

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29636 of 2016

Arising Out of PS.Case No. -303 Year- 1996 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

- =====
1. Satrugan Singh
 2. Jang Bahadur Singh
- Both are sons of Late Jagdeo Singh, resident of Village- Pokhraise, P.S.-
Hajipur Sadar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bhuneshwar Prasad Singh, son of Late Jagdeo Singh, resident of village
Pokhraise, P.S.- Hajipur Sadar, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. S. Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-01-2018

Heard learned counsel for the petitioners and learned
counsel for the State.

2. This application under Section 482 of the Code of
Criminal Procedure (for short 'Cr.P.C.') has been filed by the
petitioners for setting aside the order dated 17.06.2016 passed by the
learned Additional Sessions Judge-VI, Vaishali at Hajipur in Sessions
Trial No. 20 of 1999 arising out of Hajipur Sadar P.S.Case No. 303 of
1996 by which the application filed by the petitioners under Section
311 of the Cr.P.C. for examining the doctor has been rejected.

3. The brief facts of the case are that the petitioners have
been made accused in a case registered under Sections 147, 148, 149,



324, 307, 379 of the Indian Penal Code and Section 27 of the Arms Act. The police investigated the case and finding substance into the allegations submitted charge-sheet against the petitioners.

4. After taking cognizance of the offence, the learned Magistrate committed the case to the court of Sessions for trial whereafter charges were framed against the petitioners and since they denied the charges, trial commenced.

5. All the witnesses were examined on behalf of the prosecution whereafter the matter was posted for defence. The defence did not examine any witness for a long time and when the case was closed, they took several adjournments in the name of argument. Subsequently, they filed an application under Section 311 of the Cr.P.C. requesting the court to summon the doctor, who had examined them and issued medical report in respect of injuries sustained by them.

6. The court below having considered the entire material came to the conclusion that the petition under Section 311 of the Cr.P.C. has been filed just in order to delay the trial by the accused persons.

7. The manner in which the trial has proceeded and the stage at which the petition for summoning the doctor was filed is sufficient to infer that there is no bonafide on the part of the



petitioners in preferring the application under Section 311 of the Cr.P.C. and the court below has rightly rejected the same.

8. The application, being devoid of any merit, is dismissed.
9. The court below is directed to hear the arguments on behalf of the parties on merits forthwith and pass its judgment in accordance with law.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	

