

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.786 of 2020

Arising Out of PS. Case No.-9 Year-2009 Thana- KASIMBAZAR District- Munger

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RAM VILASH YADAV @ VILASH YADAV Son of Bhola Yadav Resident
of Village-Heru Diyara, P.S-Jamalur, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-01-2020 Heard learned counsel for the petitioner and

learned counsel for the State.

This application has been filed for quashing of order dated 21.11.2019 passed by the learned 4th Additional Sessions Judge, Munger in Sessions Trial No. 499/09, whereby a petition filed by the petitioner under Section 311 Cr.P.C. was rejected.

The case in short is that an F.I.R. in Kasim Bazar police station bearing Kasim Bazar P.S. Case No. 09/09 was registered under Section 302/34 of the Indian Penal Code and under Section 27 of the Arms Act.

Police after investigation submitted chargesheet and cognizance of the offence was taken and the case was committed to the court of sessions.

During trial, in the year 2019, a petition under Section



311 Cr.P.C. was filed by the petitioner for producing the certified copy of Vakalatnama of the deceased Bipul Kumar Yadav executed on 02.06.2000 as well as the certified copy of order-sheet dated 21.11.1998 in connection with G.R. Case No. 1549 of 1998 stating that signature of the deceased was different from the signature mentioned in the fardbeyan and prayed for bringing on record those documents.

It further appears that learned Sessions Judge vide order dated 21.11.2019 has rejected the petition filed by the petitioner on the ground that case is quite old and fixed for argument.

Submission of learned counsel for the petitioner is that, learned learned 4th Additional Sessions Judge, Munger, without considering the documents filed by the petitioner has rejected the petition filed by the petitioner under Section 311 Cr.P.C., which is not just and proper.

However, on query, learned counsel for the petitioner failed to satisfy this court as those documents is of the year 1998 and 2000 but in spite of that petitioner has come in the year 2019 with a prayer to bring those documents to record, when the Trial is fixed for argument.

Considering the facts and circumstances and the



discussions made above, I do not find any merit in the instant application and the same is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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