

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17322 of 2021**

Arising Out of PS. Case No.-264 Year-2016 Thana- MUZAFFARPUR TOWN District-  
Muzaffarpur

Md. Arshad @ Arshad S/O Md. Asif R/O Mohalla-Saraiyaganj, P.S-Town,  
District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bela Singh  
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      21-04-2022                      Heard learned counsel for the parties.

The petitioner has moved this application under Section 482 Cr.P.C. against the order dated 15.02.2020 passed by learned 3<sup>rd</sup> Additional Sessions Judge, Muzaffarpur in Session Trial No. 672 of 2016 arising out of Muzaffarpur Town P.S. Case No. 264 of 2016 (G.R. No. 1591 of 2016) for recalling the prosecution witness no.9.

The petitioner has preferred petition under section 311 of Cr.P.C. before the learned Trial Court for recalling the prosecution witness no.9 who was examined and cross examined by another set of lawyers on 02.12.2019 but not on behalf of the lawyer of this petitioner as he was engaged in any other court.



The order further shows that the learned A.P.P. who was appearing on behalf of State submitted that the P.W.9 Athar Amam was examined and cross examined by other set of lawyer but knowingly and deliberately the petitioner neither called his lawyer nor cross examined himself and the said witness was later discharged and as per the order, the High Court had fixed a time frame for the conclusion of the trial and hence this petitioner wanted to delay the matter.

The learned trial court as such rejected the said application which prompted the petitioner herein to move before this Court by filing the present petition.

This Court finds no infirmity in the order dated 15.02.2020 passed by the learned Trial Court and as such the present petition filed by the petitioner is hereby dismissed.

**(Rajiv Roy, J)**

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