

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30684 of 2018

Arising Out of PS. Case No.-304 Year-2013 Thana- BODHGAYA District- Gaya

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Vimlesh Kumar Verma S/o Baleshwar Prasad, R/o Vill. - Suryapura, P.S.-
Bodhgaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Girendra Prasad, Son of Late Kuldeep Prasad
3. Vikash Kumar,
4. Binod Kumar,
5. Raja Kumar, All S/o Ashok Prasad,
6. Ashok Prasad, S/o Late Kuldeep Prasad,
All resident of Village- Suryapura, P.S.- Bodhgaya, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-09-2023 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
nos. 2 to 6.

2. The present quashing application has been filed
seeking quashing of the order dated 02.01.2018 whereby
petition dated 15.12.2017 filed on behalf of the prosecution to
examine the witness in attendance and examination of the rest of
the witnesses named in the charge-sheet has been rejected.

3. Learned counsel for the petitioner submits that the
order passed by the learned Additional District and Sessions
Judge-IX, Gaya is mechanical. It is further submitted that



petitioner had no knowledge about the stage of the case and, as such, could not appear in the court as they had not received any notice or summon at proper time and before the evidence was closed neither the summon nor the bailable warrant was executed against the petitioner's side as such got no knowledge of the case at the earlier stage or at the stage of recording the evidence.

4. Learned counsel for the opposite party nos. 2 to 6 submits that the order is clear and it records that the charges were framed on 31.08.2015 and thereafter only two witnesses were examined, thereafter on 15.12.2017 the statement of the accused persons i.e. opposite party nos. 2 to 6 was recorded under Section 313 Cr.P.C. It is thus submitted that the present petitioner is informant of the FIR and, as such, he was aware about the institution of the case and pendency of the trial and it absolutely does not stand to reason that as to why the informant who is petitioner herein was not appearing when the charges were framed and trial commenced. It is further submitted that the learned Additional District and Sessions Judge-IX, Gaya has rightly recorded that the witness who was in attendance in the court on the date when the petition dated 15.12.2017 was filed was allowed to be examined but rightly refused rest of the



witnesses as the same would amount to reopening the case. It is next submitted that the petition dated 15.12.2017 was nothing but a ploy to delay the trial.

5. Considering the submissions made by the learned counsel for the opposite party nos. 2 to 6, the Court finds no merit in this application.

6. Accordingly, this application stands dismissed.

(Satyavrat Verma, J)

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