

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82207 of 2023

Arising Out of PS. Case No.-344 Year-2018 Thana- FATEHPUR District- Gaya

ANUJ SINGH @ ANUJ KUMAR Son of Late Ramawatar Singh VILLAGE
DAKHINGAWAN PS WAZIRGANJ DISTRICT GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rahul Kumar Son of Anuj Singh R/o vill - Pakri, P.S. - Wazirganj, Distt. - Gaya
3. Roshan Kumar Son of Sunil Singh R/o vill - Pakri, P.S. - Wazirganj, Distt. - Gaya
4. Rajiv Kumar Son of Antu Singh R/o vill - Pakri, P.S. - Wazirganj, Distt. - Gaya
5. Shlok Kumar @ Shlok Kumar Singh Son of Yogendra Singh R/o vill - Pakri, P.S. - Wazirganj, Distt. - Gaya
6. Anuj Singh Son of Ram Baran Singh R/o vill - Pakri, P.S. - Wazirganj, Distt. - Gaya
7. Pervez Khan Son of Yunush Khan R/o vill - Bhalrahi, P.S. - Wazirganj, Distt. - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma
For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 18-07-2024 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor appearing on behalf of the State as

well as learned counsel for the opposite party No. 2.

2. The present application has been filed for quashing
the order dated 18.09.2023 passed in S.T. No. 383 of 2021
arising out of Fatehpur P.S. Case No. 344 of 2018 registered
under Section 302/120B/34 of the Indian Penal Code and
Section 27 of the Arms Act by the Additional Sessions Judge,



Gaya whereby and whereunder petition filed under Section 311 of the Cr. P.C. for examination of independent witness namely Sanjev Singh, Balmukind Singh and Pintu Singh has been rejected with a direction to examine remaining witness.

3. Learned counsel for the opposite party No. 2 has produced a copy of the order dated 16.08.2023 passed in Cr. Misc. No. 73625 of 2022 in which the informant had given an undertaking and submitted that he had received instruction that the informant will ignore the application dated 10.08.2023 i.e. the informant will withdraw the application dated 10.08.2023.

4. Ignoring this submission/undertaking, the application dated 10.08.2023 is being passed by the informant.

5. It appears that the petitioner who is the informant is in the habit of making false statements before this Court.

6. The informant cannot be allowed to press his application under Section 311 of the Cr. P.C. to fill up the lacunae and recall the witness who were never named in the investigation.

7. In these circumstances, this application dismissed.

(Sandeep Kumar, J)

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