

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46831 of 2024

Arising Out of PS. Case No.-173 Year-2018 Thana- MATIHANI District- Begusarai

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Daulat Kunwar @ Daulat Kumar S/O Pankaj Kunwar, R/O Village-
Barbatta,P.S.-Maithani,Distt-Begusarai. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-05-2025 Heard learned counsel appearing on behalf of the

parties.

2. The present application has been preferred by the

petitioner for quashing the order dated 07.03.2024 passed by

the learned Additional Sessions Judge-II, Begusarai in S.T.

No. 288 of 2019 arising out of Matihani P.S. Case No. 173 of

2018 for the offences punishable under Sections 302,

120B/34 of the Indian Penal Code and Section 27 of the

Arms, whereby and whereunder petition dated 31.01.2024

filed under Section 311 of Cr.P.C. was rejected.

3. It appears from the impugned order that while

rejecting the prayer of recalling for re-examination of Pws- 2,

3, 4 and 5, it was said by learned trial court that it is for

prosecution to examine or not to examine the prosecution



witness and defence cannot compel the production of any prosecution witness unless any prejudice to call the defence.

4. Aforesaid reason assigned by learned trial court appears justified and not required interference.

5. In view of aforesaid, the present petition stands devoid of any merit and *prima facie* it appears to filed with intention to delay the trial before the learned trial court.

6. Consequent upon, the present petition stands dismissed.

7. Let a copy of this order be sent to the learned trial court/concerned court forthwith.

(Chandra Shekhar Jha, J)

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