

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.999 of 2025

Arising Out of PS. Case No.-422 Year-2022 Thana- RAMNAGAR District- West Champaran

Raju Khan @ Raju Kha Son of Late Rauf Khan Resident of Village -
Meghwal Mathiya, Ward No.- 5, Police Station - Ramnagar, Dist.- West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nurain Ansari Son of Late Hakik Ansari Resident of Village - Mathiya,
Police Station - Ramnagar, Dist.- West Champaran, Presently Resident of
Village - Narainapur, Ward No.- 10, Police Station - Ramnagar, Dist.- West
Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shahbaj Alam, Adv.
For the Informant	:	Mr. Sarvesh Kashyap, Adv.
		Ms. Kumari Akanksha Rai, Adv.
		Mr. Deepak Kumar, Adv.
For the Respondent/s	:	Mrs. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-12-2025 Heard learned counsel for the petitioner as well as

learned counsel for the informant.

02. Learned counsel for the petitioner submits that the
petitioner has challenged the order dated 23.07.2025 passed by
the learned Additional District Judge, 1st Bagaha, West
Champaran in S. Tr. No. 12/2023 CIS No. 22/2023 arising out
of Ramnagar P.S. Case No. 422 of 2022. Learned counsel for
the petitioner further submits that the petitioner has filed an
application before the learned trial court contradicting the
signature of the informant on *fardbayan* and making prayer



under Section 39 of the Bharatiya Sakshya Adhiniyam, 2023 read with Section 348 of the BNSS, 2023 for sending the copy of the *fardbayan* for getting an expert opinion on the handwriting of the informant. The said application of the petitioner was rejected by the learned trial court.

03. Learned counsel next submits that as per the *fardbayan*, the informant sustained bullet injury in his scalp and was not in a position to put the signature on the *fardbayan* during the relevant time as bullet was stuck in the scalp and was removed only after surgery. From perusal of the signature of the informant on the *fardbayan* and on his deposition, they appear to be different and it creates doubt over the veracity of the prosecution story. For this reason the petitioner filed this application before the learned trial court which rejected the same without applying its judicial mind to the facts of the case. The learned trial court did not appreciate the material facts and ignored the provision contained under Section 39 and 72 of the Bharatiya Sakshya Adhiniyam, 2023. Learned counsel further submits that great prejudice would be caused to the petitioner if his application seeking expert opinion on the signature of the informant on the *fardbayan* is not allowed. Learned counsel further refers to the decision of the Hon'ble Supreme Court in



case of *Joseph Vs. State of Kerala* reported in *AIR 2003 SC 507* in support of his contention. Learned counsel further submits that in the case before the Hon'ble Supreme Court, the Hon'ble Supreme Court on the basis of doubtful signature on FIR set aside the conviction of the accused. Learned counsel thus submits that the impugned order is not sustainable and the same be set aside.

04. Learned counsel appearing on behalf of the informant vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petition filed before the learned trial court was only to delay the trial. The defence has been adopting this technique to delay the proceeding and they also filed application for examination of their witnesses after the defence evidence was closed. In the present matter, the learned trial court after considering all the facts has passed the impugned order which does not suffer from any infirmity.

05. I have given my thoughtful consideration to the rival submission of the parties and perused the record.

06. From perusal of the impugned order, I find that the learned trial court took note of the fact that when the informant was being examined, no questions were put to the



witness in cross examination about the FIR not containing his signature. The learned trial court also considered the evidentiary value of the FIR and the expert opinion making it clear that questions raised on genuineness could also be considered while appreciating other evidences at the time of final hearing of the case. But the most important aspect of the matter is that the Court did not find any credible basis for allowing the application filed on behalf of the petitioner. I do not find any such impropriety or irregularity in the impugned order to intervene in the matter for the simple reason that the impugned order does not suffer from any illegality. It is a reasoned order. Even if two views are possible, this Court cannot impose its opinion on the view taken by the learned trial court and law stands settled on this point. In the case of *Joseph*(supra), facts are completely different. In the said case, the Hon'ble Supreme Court observed that the FIR contained signature of a doubtful character which PW1 himself admitted as having being different from the one given by him on the acknowledgment of having received the summon. The Hon'ble Supreme Court also considered the fact that the conviction was based on the testimony of solitary eye witness. Therefore, the facts are distinguishable and the reliance placed on *Joseph*(supra) is



misconceived and for this reason not applicable.

07. Thus finding no infirmity in the impugned order, I do not find any occasion to interfere with the impugned order dated 23.07.2025 and the same is affirmed.

08. Accordingly, the present revision petition stands dismissed.

(Arun Kumar Jha, J)

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