

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21525 of 2026

Arising Out of PS. Case No.-97 Year-2025 Thana- WAJIRGANJ District- Gaya

Rajesh Kumar Singh @ Rajesh Kumar S/o Ranjeet Singh R/o vill -
Bhikhanpur, P.S.- Wazirganj, Distt.- Gaya

... .. Petitioner

Versus

1. The State of Bihar
2. Ramdhyan Singh S/o Late Ramdahin Singh R/o vill - Bhikhanpur, P.O. -
Pile, P.S.- Wazirganj, Distt.- Gaya

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

2 27-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has challenged the impugned order dated 05.02.2026 passed in POCSO Case No.133 of 2025, arising out of Wazirganj P.S. Case No. 97 of 2025, by the learned District Additional Sessions Judge-VI-cum-Special Judge (POCSO), Gaya, whereby the petition filed by the petitioner under Section 311 Cr.P.C. for recall and summon of PW 6 for further cross-examination has been dismissed.

3. Learned counsel for the petitioner submits that a petition under Section 311 Cr.P.C. has been filed before the trial court and the same has been annexed as Annexure-4 to this application. He has submitted that the evidence of PW 6 is



necessary for just decision of the case, who has been examined in-chief and cross-examined on previous occasion.

4. Learned counsel for the State opposed the prayer of the petitioner and submitted that since the PW 6 has already been examined in-chief and also cross-examined, recall of PW 6 for further re-examination will not serve any fruitful purpose and it will lead to delay in trial.

5. The application under Section 311 Cr.P.C. is reproduced hereinbelow: -

“The Court of Special Judge cum
Additional Sessions Judge-VI, Gaya
Ref: POCSO Case No. 133/2025

State

Versus

Rajesh Singh Accused

The humble petition u/s 348 B.N.S.S. for re-call of P.W-6 for cross examination on behalf of the accused. Rajesh Singh.

Most Respectfully Sheweth: -

1. That without conclusion of cross-examination of P.W-6, he has been discharged and evidence of prosecution has been closed on 22.01.2026 and the case is fixed for statement of the petitioner.

2. That cross-examination of P.W.-6 is essential for the just decision of the case.

3. That for the purpose of cross-examination order dated 22.01.2026 for closing the case should be re-called and P.W.-6 be summoned for her further cross-examination.

It is therefore prayed that your honour may be graciously pleased to recall the order dated



22.01.2026 and be further pleased to summon the P.W.6 for her further cross-examination in the ends of justice.

And for this your petitioner shall ever pray.

Dated 5-2-2026

Gaya"

6. The present prayer of the petitioner is nothing but to delay the trial at the stage when the statement of the petitioner was going to be recorded under Section 313 Cr.P.C. The witness PW 6 was examined and cross-examined at length and thereafter discharged and her re-call for re-examination is not required for ends of justice rather it will lead to delay in trial.

7. The application is devoid of merit and is accordingly dismissed.

(Praveen Kumar, J)

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