

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64140 of 2024

Arising Out of PS. Case No.-168 Year-2012 Thana- GOPALGANJ TOWN District-
Gopalganj

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Anil Singh @ Anil Kumar Singh Son of Umashankar Singh R/O Chainpatti,
P.S.- Gopalganj Town, Gopalganj, Bihar 841428 Petitioner
Versus

The State of Bihar Opposite Parties

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Appearance :

For the Petitioner : Mr. Kumar Harshvardhan, Advocate
For the Opposite Party : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
CAV ORDER

4 08-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The present application has been filed seeking quashing the order dated 26.04.2021, passed by the learned Additional District and Session's Judge-II, Gopalganj, whereby the application of the prosecution filed under Section 311 CrPC for reopening the prosecution evidence has been rejected.

3. Learned counsel for the petitioner has submitted that police has left the name of injured person, namely, Umashankar Singh, and the Doctor, who examined the injured, as charge-sheet witnesses and hence summons could not be issued against them and it was prayed through application under Section 311 CrPC that they may be summoned and they may be examined as witnesses in this case in the interest of justice.

4. Heard the parties and perused the records.



5. From the record, it transpires that the charge was framed in this case on 30.01.2017 and thereafter witnesses were examined. The statement of the accused was recorded under Section 313 CrPC on 13.04.2024 and the accused had also adduced his defence by way of examining one witness as defence witness. The petition under Section 311 CrPC was not filed till then, and thereafter, with an intention to linger the case, the present petition under Section 311 CrPC was filed only to fill-up the lacuna and delay the trial. The trial was continuously upon for five years till 2022, but the prosecution witness were not produced by the prosecution and when the case was at the fag end of the trial, the present application under Section 311 CrPC was filed.

6. Having considered the entire facts and circumstances, this Court is not inclined to interfere with the matter.

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

(Praveen Kumar, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	17.04.2026
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