

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26596 of 2013**

Arising Out of PS.Case No. -495 Year- 2001 Thana -WEST CHAMPARAN COMPLAINT District-  
WESTCHAMPARAN(BETTIAH)

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1. Deepak Jha @ Deepak Kumar Jha S/O Gyaneshwar Jah Resident Of  
Village Barherwa P.S. Sanichari District West Champaran.

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. Arjun Kumar Resident Of Village Barherwa P.S. Sanichari District West  
Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Aditya Nath Jha -Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay-(A.P.P.)

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

03 19-08-2016

In pursuance of order dated 18.07.2016, report from  
the learned District & Sessions Judge, West Champaran at Bettiah  
along with L.C. Record of Complaint Case No.495-C of 2001 has  
been received.

After perusal of successive order sheet, it is evident  
that on 18.10.2001, accused Ranjit Jha along with Raja Jha  
surrendered wherein Ranjit Kumar Jha had shown his name as  
Ranjit Kumar Jha @ Jhunna Jha. So, on that very day,  
complainant/ petitioner became known to the fact that such kind of  
claim has been made on behalf of accused Ranjit Kumar Jha.  
However, he remained idle. Lastly, on 12.10.2007, an affidavit on  
behalf of accused Ranjit Kumar Jha @ Jhunna Jha was filed and in

likewise manner, petitioner/ complainant also filed an affidavit controverting the same. On 06.11.2010, it is evident that learned lower Court had accepted the same. Although hazari filed on behalf of petitioner/ complainant, but none appeared on his behalf to raise objection, if any. It is evident that since thereafter, as the case stood for evidence before charge, petitioner/ complainant remained absent resulting discharge of all the accused persons. It is also evident from the relevant order sheet that complainant never agitated the matter since after surrender of accused and further, challenged the status of Ranjit Kumar Jha claiming himself to be Jhunna Jha till 12.10.2007. Therefore, there happens to be negligence on the part of the petitioner. Had there been proper recourse at the end of the petitioner, the matter would have been thrashed at an earliest. Apart from this, the instant complaint happens to be of the Year 2001 and further, discharge of the accused happens to be vide order dated 14.02.2012, on account thereof, it does not look wise to give an opportunity to the petitioner to revive the proceeding for which complainant himself was at fault.

Accordingly, instant petition is rejected.

**(Aditya Kumar Trivedi, J)**

Vikash/-

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