

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29184 of 2016

Arising Out of PS.Case No. -508 Year- 2003 Thana -AURANGABAD TOWN District-
AURANGABAD

- =====
1. Arjun Sharma, S/o Late Alakhdeo Sharma
 2. Guddu Sharma, S/o Arjun Sharma
Both resident of Old G.T. Road, P.S. Aurangabad (T), District -
Aurangabad
 3. Ramashish Sharma, S/o Nageshwar Sharma Resident of village-
Achuki, P.S. Rafiganj, District - Aurangabad

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Opposite Party/s : Mr. Sri Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 29-08-2016 Heard learned counsel for the petitioners and

learned counsel for the State.

This application has been filed for quashing the
order dated 27.02.2016 passed by the Judicial Magistrate, 1st
Class, Aurangabad in G.R. No.2214/03/ Trial No.506/15, by
which the Court below has rejected the discharge application
filed by the petitioners.

Learned counsel for the petitioners submits that
during the course of trial the informant has died.

On perusal of the impugned order, it appears that
the Magistrate while passing the impugned order has not gone

into the merit of the case. When the petitioners have filed the discharge application, the Magistrate ought to have applied his mind and after considering the facts and circumstances of the case, he should pass a reasoned order, but the impugned order discloses non-application of mind.

In such circumstances, the impugned order dated 27.02.2015 passed by the Court below is set aside. The matter is remanded back to the Court below with a direction to pass a reasoned order in accordance with law. Accordingly, this application is allowed.

(Shivaji Pandey, J)

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