

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10493 of 2023**

Arising Out of PS. Case No.-224 Year-2022 Thana- RASULPUR District- Saran

Sunil Kumar Yadav, Son Of Jitan Yadav, R/O Village- Asahani, P.S.-  
Rasulpur, District- Saran

... .. Petitioner

Versus

1. The State of Bihar
2. Pintu Kumar Yadav Son Of Late Lorik Yadav R/O Village- Ashani, P.S.-  
Rasulpur, District- Saran

... .. Opposite Parties

**Appearance :**

|                         |   |                                     |
|-------------------------|---|-------------------------------------|
| For the Petitioner      | : | Mr. Krishna Pd. Singh, Sr. Advocate |
|                         |   | Mr. Rakesh Singh, Advocate          |
| For the State           | : | Ms. Dr. Indivar Kumari, APP         |
| For the Opp. Party No.2 | : | Ms. Priyanka Singh, Advocate        |

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**

ORAL ORDER

3      17-07-2023                      Heard learned counsel for the parties.

2.      This application has been filed for quashing of the order dated 24.01.2023 passed by learned Additional Sessions Judge, VII, Saran at Chapra, in Sessions Trial No.03 of 2023, arising out of Rasulpur P.S. Case No. 224 of 2022, by which the learned trial court has framed the charges against the petitioner for the offence under Sections 302/34, 120-B of the Indian Penal Code and under Section 27 of the Arms Act.

3.      Considered the submissions of the parties.

4.      From the record, it appears that the discharge application of the petitioner was pending but without considering the same, the trial court has framed the charges against the petitioner.



5. Considering the aforesaid fact, this application is allowed. Accordingly, the order dated 24.01.2023 passed by learned Additional Sessions Judge,VII, Saran at Chapra, in Sessions Trial No.03 of 2023, arising out of Rasulpur P.S. Case No. 224 of 2022 is set aside.

6. The trial court is directed to hear the discharge application of the petitioner and thereafter pass a reasoned order in accordance with law in light of the law laid down by the Hon’ble Supreme Court in the case of ***Kanchan Kumar Vs. State of Bihar*** reported in ***(2022) 9 SCC 577***.

(Sandeep Kumar, J)

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