

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35963 of 2015**

Arising Out of PS. Case No.-7 Year-2013 Thana- PAUTHU District- Aurangabad

Tulsi Thakur S/o Gudri Thakur resident of village - Bhartipur, P.S. Pauthu,  
District - Aurangabad

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sonphula Devi W/o Gupteshwar Thakur resident of village - Sihadikala, P.S. Haspura, District – Aurangabad.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Suresh Pd. Singh App

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

3      11-07-2023                      Heard learned counsel for the parties.

2. This application has been filed for quashing the order dated 21.05.2015 passed by learned court of Additional Sessions Judge- IVth, Aurangabad in S. Tr. No. 331/ 2013/ 246/ 2013 (corresponding to Pauthu P.S. Case No. 7/13) for the offence under Sections 302/201 of the Indian Penal Code whereby and whereunder petitioner's prayer for discharge u/s 227 of the Cr. P.C. has been rejected.

3. As per prosecution case, informant alleged that deceased Rajesh Thakur @ Mantu who had gone to the house of his maternal uncle (petitioner) at another village was to return his native village on 15.02.2023 did not return and on



17.02.2013 his dead body was found in a agricultural field situated towards west of Jhingur Chanhat Kutchi Sarak. The informant happens to be mother of the deceased suspected his murder by administering poison.

4. Learned counsel for the petitioner submits that the impugned order is not in accordance with law and the same has been passed as the trial Judge has acted as mere Post office. The trial Judge has not discussed the materials which have been relied upon him for framing of charge, he has only mentioned the paragraphs. This order can't be sustained in the light of the judgment of Hon'ble Supreme Court in the case of ***Kanchan Kumar vs. State of Bihar (2022) 9 SCC 577*** as the trial Judge cannot act as mere Post Office he has to consider the ground raised in the discharge application, this application is allowed.

5. The impugned order dated 21.05.2015 passed by learned court of Additional Sessions Judge- IVth, Aurangabad in S. Tr. No. 331/ 2013/ 246/ 2013 (corresponding to Pauthu P.S. Case No. 07/2013) is here by quashed with regard to the petitioner only.

6. The matter is remitted back to the learned trial Court for fresh consideration in accordance with law and in light of judgment of Hon'ble Supreme Court in the case of



*Kanchan Kumar vs. State of Bihar (supra).*

**(Sandeep Kumar, J)**

Ranjeet/-

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