

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4229 of 2018

Arising Out of PS. Case No.-399 Year-1997 Thana- PATNA COMPLAINT CASE District-
Patna

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Umesh Kishore Sharan Son of Late Sakaldeo Narain, resident of Mohalla-
Ashok Nagar, Road No- 3-B, Kankarbagh, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shri Shashi Bhushan Mukesh, Son of Sri U.N. Sinha, resident of Mohalla-
C/44, Kankarbagh Colony, P.S.- Kankarbagh, District- Patna.
3. Shri Braj Bhushan Mukul, Son of Sri U.N. Sinha, resident of Mohalla- C/44,
Kankarbagh Colony, P.S.- Kankarbagh, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Kumar

For the Opposite Party/s : Mr. Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 3 25-07-2023 1. This application has been filed for quashing the

order dated 01.11.2017 passed by the learned A.C.J.M.-VII,

Patna in Complaint Case No. 399C of 1997, Trial No. 17/2016

whereby and where under the discharge petition filed by the

opposite party no. 2 and 3 has been allowed and their respective

bailors have been discharged.
2. The order dated 01.12.2004 was challenged

before this Court and subsequently before the Hon'ble Supreme

Court.
3. The Hon'ble Supreme Court has affirmed the

order but in the last paragraph the Hon'ble Supreme Court gave

the following observation:-

*“We make it clear that this order will
not prevent the appellant from taking recourse to
any other course of action, which he may be entitled*



to in law during the trial.”

4. After the order dated 19th March, 2013 passed by the Hon’ble Supreme Court, the petitioner filed an application in the trial Court under Section 311 of the Cr.P.C. and the application was dismissed on 16.10.2017 by the Trial Court.

5. The order dated 16.10.2017 has not been challenged in any Court and has become final therefore a discharge application was filed by the accused persons which has been allowed vide impugned order dated 01.11.2017.

6. It has been held by the Trial Court that from perusal of the record, there was no oral and documentary evidence produced by the complainant during course of pre-charge evidence and therefore the accused persons were discharged.

7. I see no reasons to interfere in the present case of discharge of the petitioner. The impugned order cannot be interfered with.

8. Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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