

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68028 of 2018

Arising Out of PS. Case No.-19 Year-2014 Thana- BARHIYA District- Lakhisarai

Sony Singh @ Praveen Kumar Son of Gauri Singh @ Krishna Nandan Prasad Singh, Resident of Village/Mohalla- Aunta, P.S.- Hathidah, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Binod Ram, Son of Late Aamar Ram, Resident of Village/Mohalla- Aunta, P.S.- Hathidah, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra
For the Opposite Party/s : Mr. Dr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The service of the notice is treated to be valid.

None appears for the O.P. No. 02.

This application has been filed on behalf of the
petitioner for quashing the order dated 03.05.2016 passed by
learned Additional District and Sessions Judge-III, Lakhisarai in
connection with Sessions Trial No. 201 of 2015 arising out of
Barahiya P.S. Case No. 19 of 2014.

Learned counsel for the petitioner submits that the
impugned order is passed in a mechanical manner without
appreciating the materials available on record.



In view of submission of the learned counsel for the petitioner and also upon persual of the impugned order, this application is allowed.

Accordingly, the order dated 03.05.2016 passed by learned Additional District and Sessions Judge-III, Lakhisarai in connection with Sessions Trial No. 201 of 2015 arising out of Barahiya P.S. Case No. 19 of 2014 is hereby quashed with a direction to the trial Judge to consider the discharge application afresh in light of the Judgment of the Hon'ble Supreme Court in the case of *Kanchan Kumar Vs. State of Bihar 2022 9 SCC 577* and pass a detailed order after hearing the parties and in accordance with law.

The petitioner is also given liberty to raise all his grounds in the trial Court while arguing the discharge application.

(Sandeep Kumar, J)

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