

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59444 of 2023

Arising Out of PS. Case No.-391 Year-2011 Thana- SHERGHATI District- Gaya

Binay Kumar Gupta @ Chunnu Gupta S/O Gupteshwar Prasad Gupta
Proprietor Of Sherghati Gas Service, Sherghati (Gaya), R/O Mohalla- Satsang
Nagar, Ps. Sherghati, Dist. Gaya

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. THE BLOCK SUPPLY OFFICER, SHERGHATI (GAYA) BIHAR, GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Prakritita Sharma

For the Opposite Party/s : Mr. Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-07-2024 Heard the learned counsel for the parties.

2. This application has been filed for quashing of the entire criminal proceeding including the order dated 06.12.2022 passed by learned S.D.J.M., Sherghati (Gaya) in connection with Sherghati P.S. Case No. 391 of 2011.

3. It has been submitted by the learned counsel for the petitioner, the discharge application was filed on 22.01.2015, but the same was never heard and decided, and without deciding the same, the impugned order dated 06.12.2022 has been passed by the S.D.J.M., Sherghati for framing of charge.

4. From the records it appears that the discharge application was never considered by the S.D.J.M., Sherghati.



5. In these circumstances, this application is allowed, and the order dated 06.12.2022 passed by learned S.D.J.M., Sherghati (Gaya) in connection with Sherghati P.S. Case No. 391 of 2011 is hereby quashed.

6. The learned counsel for the petitioner is permitted to file supplementary petition of discharge as prayed today.

7. The case is remitted back to the S.D.J.M., Sherghati for a fresh hearing on discharge application. The discharge application shall be heard and decided within a month from the date of communication of this order even if the accused persons do not cooperate.

8. This application stands allowed.

(Sandeep Kumar, J)

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