

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1203 of 2019

Arising Out of PS. Case No.-108 Year-1999 Thana- AAJAM NAGAR District- Katihar

1. MD. EKBAL @ IQBAL Son of Late Gulab Master Resident of Village - Mahila, Masnadpur, P.S.- Azam Nagar, Distt - Katihar.
2. Md. Mustaque @ Md. Mustak Alam Son of Late Gulab Master Resident of Village - Mahila, Masnadpur, P.S.- Azam Nagar, Distt - Katihar.
3. Perwez @ Md. Perwez Son of Sk. Sahbuddin. Resident of Village - Mahila, Masnadpur, P.S.- Azam Nagar, Distt - Katihar.
4. Farmuz @ Md. Farmuz Son of Sk. Sahbuddin Resident of Village - Mahila, Masnadpur, P.S.- Azam Nagar, Distt - Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Md. Mojibur Son of Late Kamiruddin Resident of Village - Mahila, Masnadpur, P.S.- Azam Nagar, Distt - Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Qumrul Hoda
For the Respondent/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-05-2024 Heard the parties.

2. The petitioners have challenged the order dated 29.07.2019 passed by the learned Additional District Judge-III, Katihar in connection with Sessions Trial No. 377 of 2014 arising out of Azamnagar P.S. Case No. 108 of 1999 by which their application for discharge has been rejected.

3. From the reading of the impugned order, it appears that the discharge application has been rejected without considering the grounds raised in the discharge application.



4. The trial Court is not a post-office and cannot reject the discharge application mechanically.

5. In view of the above, this application is allowed.

6. Accordingly, the impugned order dated 29.07.2019 is hereby set aside.

7. The matter is remitted back to trial Court for fresh consideration of the discharge application in light of the judgment of 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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