

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4329 of 2019

Arising Out of PS. Case No.-151 Year-2018 Thana- UCHKAGAON District- Gopalganj

1. Suresh Choudhari @ Suresh Choudhry and Anr Basudeo Choudhari
Resident of village-Bhagwantola, P.S-Uchkgaon, Distt.-Gopalganj.
2. Babloo Dubey Baleshwar Dubey Resident of village-Baleshra, P.S-
Uchkgaon, Distt.-Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 21-03-2025

Re:- I.A. No. 1 of 2019.

This interlocutory application has been filed on behalf of the petitioners for amending the petition of Cr. Misc. No. 4329 of 2019 which has been necessitated after the passing of the order dated 24.04.2019 passed in Sessions Trial No. 10 of 2019 to the effect as detailed in Paragraph No. 12 of the present Interlocutory application.

2. For the reasons mentioned in the interlocutory application, the same is allowed and the amended prayer as mentioned in paragraph 12 of this interlocutory application shall be treated to be the prayer of the main petition i.e. Cr. Misc. No. 4329 of 2019.



Re:- Cr. Misc. No. 4329 of 2019.

Heard learned counsel for the petitioners, learned counsel for the State and Mr. Mukesh Kr. Singh, learned counsel for the O.P. No. 02.

2. It has been submitted by the learned counsel for the petitioners that the petitioner no. 1 has died and therefore he prays for withdrawal of the application filed on behalf of the petitioner no. 1.

3. Permission is accorded and now this application is restrict to petitioner no. 02 only.

4. The impugned order which is under challenge is an order by which the discharge application of the petitioner has been rejected and from perusal of the same, it appears to be cryptic and non-speaking order and the cannot be defended by any advocate in view of the law laid down by the Hon'ble Supreme Court in the case of ***Kanchan Kumar Vs. The State of Bihar*** reported in ***2022 (9) SCC 577***.

5. Accordingly, this application is allowed and the order dated 24.04.2019 passed by learned Additional District Judge-V, Gopalganj in S.Tr. No. 10 of 2019 (arising out of Uchkagaon P.S. Case No. 151 of 2018) is hereby quashed.

6. The matter is remitted back to the concerned Court



below for fresh consideration of the matter. The court below is also directed to pass a reasoned order after hearing the parties in view of the judgment of the Hon’ble Supreme Court in the case of *Kanchan Kumar Vs. The State of Bihar (supra)*.

(Sandeep Kumar, J)

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