

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5412 of 2019

Arising Out of PS. Case No.-37 Year-2016 Thana- RUDRAPUR District- Madhubani

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1. Ram Bahadur Chaudhary and Anr Faudedar Chaudhary Resident of Village-Karnpur Ward No-4, P.S. Rudrapur, Distt.-Madhubani
 2. Nirmala Devi Ram Bahadur Chaudhary Resident of Village-Karnpur Ward No-4, P.S.-Rudrapur, Distt.-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar and Anr Patna
2. Lalita Devi Banke Lal Chaudhary Resident of Village-Karnpur Ward No-4, P.S.Rudrapur, Distt.-Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 17-03-2025 Seen the office notes.

2. This is an application for quashing of the order dated 15.11.2018 passed by Additional Sessions Judge, Jhanjharpur in S.T. No. 195/2018 (arising out of Rudrapur P.S. Case No. 37 of 2016) by which the Court below has rejected the discharge application holding that the case under Sections 337, 338, 304/34 of the IPC is made out for framing of charge against the accused persons.

3. The report has come that the O.P. No. 02 is no more.



4. The learned counsel for the petitioner submits that the impugned order dated 15.11.2018 passed by Additional Sessions Judge, Jhanjharpur is a cryptic order and is in the teeth of the law laid down by the Hon'ble Supreme Court in the case of *Kanchan Kumar Vs. State of Bihar reported in (2022) 9 SCC 577*.

5. Learned APP for the State has opposed the application of the petitioner.

6. I have heard and gone through the records of the case.

7. I find that the impugned order is a cryptic and non-speaking order. The Additional Sessions Judge, Jhanjharpur has not considered the application of the petitioner and the grounds raised by the petitioner in the discharge application.

8. In view of the aforesaid, this application is allowed. Accordingly, the order dated 15.11.2018 passed by Additional Sessions Judge, Jhanjharpur in S.T. No. 195/2018 (arising out of Rudrapur P.S. Case No. 37 of 2016) is hereby quashed.

9. The matter is remitted back to the concerned Additional Sessions Judge, Jhanjharpur for fresh consideration of the discharge application within one month in view of the law laid down by the 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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