

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24398 of 2021

Arising Out of PS. Case No.-47 Year-2017 Thana- GHOGHARDIHA District- Madhubani

Sanjan Kumar @ Sanjan Kumar Yadav @ Sanjan Yadav Son Of Ram Prasad
Yadav R/O Village- Bholi Rai, P.S.- Ghoghardiha, Dist.- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 25-03-2025 This is an application for quashing of the order dated 12.12.2019 passed by which learned Sessions Judge, ADJ-V, Madhubani in Sessions Trial No. 236 of 2018 dismissed the discharge application filed on behalf of the petitioner under Section 227 of the Cr.P.C., in Ghoghardiha P.S. Case No. 47 of 2017 registered under Sections 304B/34 of the Indian Penal Code.

2. By order dated 24.06.2024, the informant Siya Ram Yadav was directed to be added as O.P. No. 02 and notice was also issued to him.

3. From the records it appears that the O.P. No. 02 has not been added though the notice was sent to him and it has been served properly.

4. The learned counsel for the petitioner is again given



permission to add the informant as O.P. No.02 in course of the day.

5. As per the prosecution case, the informant who is the father of the deceased had married his daughter Asha Devi to one Sakal Deo Yadav in the year 2014 and after one year of marriage, the accused-husband started torturing her daughter and also assaulted her. The informant alleged that the accused persons killed her daughter due to non-fulfillment of demand of dowry.

6. I have heard the learned counsel for the petitioner and the learned APP for the State.

7. The contention of the learned counsel for the petitioner is that the name of the petitioner has come in the case during investigation after five months in the confessional statement of the co-accused in paragraph 42 of the case diary.

8. The learned counsel for the petitioner has further relied on the judgment of acquittal of the main accused Sakal Deo Yadav. The judgment has been passed by the A.D.J.-VI, Madhubani in Sessions Trial No. 395/2017. From the judgment it appears that the informant has not supported the prosecution case.

9. In view of the above, no useful purpose will be



served by asking the petitioner to face trial when the informant has not supported the prosecution case in the trial of the main accused Sakal Deo Yadav.

10. Consideration the aforesaid facts and circumstances, this application is allowed. Accordingly, the discharge application filed on behalf of the petitioner is allowed and the order dated 12.12.2019 passed by the learned Sessions Judge, ADJ-V, Madhubani in Sessions Trial No. 236 of 2018 is hereby quashed.

(Sandeep Kumar, J)

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