

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2613 of 2019

In
CRIMINAL MISCELLANEOUS No.27466 of 2019

Arising Out of PS. Case No.-861 Year-2006 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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KRISHNA SINGH Son of Late Ram Sharan Singh Resident of Village -
Gonawan, P.S.- Town Nawada, Distt - Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Chandra Paswan Son of Late Chamari Paswan Resident of Nandpur,
P.S.- Nardiganj, Distt - Nawada.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Lakshmi Kant Sharma
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 04-02-2025 Seen the office notes.

2. The notice has been received by the wife of the
respondent no. 02 and the same is treated to be valid.

3. Learned counsel for the appellant has produced the
certified copy of the order sheets to show the stage of the case
and the same is taken on record.

4. This application has been filed for quashing of the
order dated 02.03.2019 passed by the 1st Additional Sessions
Judge-cum-Special Judge, Nawada in SPL (H) Case No. 70 of
2016 arising out of Complaint Case No. 861/2006 under
Sections 466 of the Indian Penal Code and under Sections 3/10
of the SC/ST (PoA) Act by which petition filed under Section
227 of the Cr.P.C. was rejected.



5. The discharge application of the appellant has been rejected by a cryptic and non-speaking order. This court has been repeatedly directing the Courts below to pass a proper, reasoned and speaking order after hearing the parties mentioning the grounds argued by the petitioner for discharge.

6. The Court below is not a post office merely to reject the discharge application.

7. In these circumstances, this application is allowed. Accordingly, the order dated 02.03.2019 passed by the 1st Additional Sessions Judge-cum-Special Judge, Nawada/concerned Court below in SPL (H) Case No. 70 of 2016 arising out of Complaint Case No. 861/2006 is hereby quashed.

8. The Court below after hearing the parties will pass a reasoned order. The case is remitted back to the concerned Court below for passing a fresh order in accordance with law and also in view of the law laid down by the Hon'ble Supreme Court in the case of *Kanchan Kumar V/s State of Bihar; (2022) 9 SCC 577*.

(Sandeep Kumar, J)

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