

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54169 of 2025

Arising Out of PS. Case No.-125 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Azami Mohammad Imtiyaz Khan S/O Zamir Ahmad Khan R/O Block-B, Flat No. 208/203, Shalimar Apartment, Old Purliya Road Mango, Jamshedpur, Jharkhand-832110, Permanent Address- Resident of Village- Fish Line Purani Basti, P.O- Jugsulai, P.S- Jugsulai, Distt.- East Singhbhoom, Jharkhand- 831006.
2. Zamir Ahmad Khan S/O Late Sagir Ahmad Khan R/O Block-B, Flat No. 208/203, Shalimar Apartment, Old Purliya Road Mango, Jamshedpur, Jharkhand-832110, Permanent Address- Resident of Village- Fish Line Purani Basti, P.O- Jugsulai, P.S- Jugsulai, Distt.- East Singhbhoom, Jharkhand- 831006.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reshma Parween W/O Azami Mohammad Meraj Khan R/O Block-B, Flat No. 208, Shalimar Apartment, Old Purliya Road Mango, Jamshedpur, Jharkhand, At present residing with her parents D/O Diwan Sarfaraj Khan, R/O Village- Naughara, P.S- Chainpur, Dist.- Kaimur (Bhabhua).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate Mr. Karu Kumar, Advocate
For the State	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-08-2025 Heard Mr. Shailendra Kumar Singh, learned counsel

 appearing on behalf of the petitioners and Mr. Ajit Kumar,

 learned A.P.P. for the State.



2. Learned counsel appearing on behalf of the petitioners points out that the discharge petition was filed on 21.10.2022 under Section 228 of the Cr.P.C. in place of Section 227 of the Cr.P.C. and the learned District Court, in the most mechanical manner, without application of mind, has passed the order dated 16.07.2025. Learned counsel seeks that this Court is required to interfere with the manner in which the learned District Court has passed the order dated 16.07.2025. Learned counsel, in such circumstances, seeks to file fresh application for discharge giving correct provision of law and seeks to withdraw the present quashing application.

3. Considering the aforesaid submission made on behalf of the petitioners, the order dated 16.07.2025 under incorrect provision of law which can only amount to non application of mind by the Magistrate, is hereby set aside and quashed.

4. The petitioners, if so advised, may file appropriate petition before the learned District Court in accordance with correct provision of law well within a period of four weeks. In case the petitioner files discharge petition, the learned District Court is directed to apply its mind in accordance with law.

5. Till then, no coercive action shall be taken against



the petitioners in connection with Chainpur P.S. Case No. 125 of 2021 (S. Tr. No. 94 of 2022).

6. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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