

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34183 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- BHAPTIAHI District- Supaul

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PRADEEP KUMAR SINGH @ PRADEEP KUMAR S/O CHANDESHWAR
SINGH Resident of- Ward No. 4 Sadanandpur, P.S.- Bhaptiahi, District-
Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur
Mr. Vaishnavi Singh
Mr. Shivam
For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 02-02-2026

Re:- I.A. No. 1 of 2023.

This application has been filed for amendment in the
paragraph 1 of the quashing application.

2. For the reasons mentioned in the interlocutory
application, the same is allowed and now the prayer portion of
the quashing application will read as under:-

*“This application has been filed on behalf
of the petitioner for quashing the order dated
15.12.2020 passed by the learned Chief Judicial
Magistrate, Supaul in Bhaptiyahi P.S. Case No. 48 of
2020 (S.T. No. 25 of 2021) as well as for quashing the
order dated 22.02.2021 passed by the learned Sessions
Judge, Supaul.”*

Re:- Cr. Misc. No. 34183 of 2021.



3. Heard the parties.

4. During pendency of this case, charges have been framed against the petitioner by the learned Sessions Judge, Supaul and learned counsel for the petitioner submits that the petitioner could not get a chance to file a discharge application in the Court below as the present application was pending in this Court.

5. In these circumstances, this Court is of the view that the petitioner ought to have filed a discharge application so that the entire materials could have been considered by the Court below.

6. In view of the above, this application is allowed and accordingly, the impugned order dated 22.2.2021 is hereby set aside with liberty to the petitioner to file a discharge application in the Court below. If the petitioner files such an application then the Court below will consider the application of the petitioner and will pass a reasoned order in light of the judgment of 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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