

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45026 of 2015**

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Manoj Kumar Gupta son of Ashok Kumar Gupta, resident of Mohalla -  
Ward No. 5, Mirchaibari, P.S. and District - Katihar

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Meera Sahu wife of Shankar Prasad Sahu  
3. Shankar Prasad Sahu son of Late Rameswaroop Prasad Sahu  
Opposite Party No. 2 and 3 are resident of Mohalla - Ward No. 5,  
P.S. & District - Katihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate  
For the Opposite Party/s : Mr. S.M.Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      16-12-2015                      By way of the present application under Section 482 of the Code of Criminal Procedure, the petitioner seeks modification/recall of the order dated 27.8.2015 passed in Cr. Misc. No.966 of 2015 whereby the application has been dismissed under the impression that the petitioner is an accused in the complaint case no.736 of 2013 whereas the fact is that the petitioner is the complainant of complaint case no.736 of 2013 and he is aggrieved by the order dated 8.8.2014 passed by the learned Magistrate whereby one Meera Sahu (Opposite Party No.2) was not summoned to face trial.

I have heard learned counsel for the petitioner and perused the record.

It would be evident from perusal of the record of Cr.Misc. No.966 of 2015 that the petitioner is not an accused in the complaint case rather he is the complainant in complaint case no.736 of 2013.

In that view of the matter, I find substance in the submissions made by the learned counsel for the petitioner.

Accordingly, the application is allowed. The order dated 27.8.2015 passed in Cr. Misc. No.966 of 2015, whereby the application filed by the petitioner under section 482 of the Code of Criminal Procedure was dismissed, is recalled.

Let Cr.Misc. No.966 of 2015 be listed under the heading “For Admission” tomorrow i.e., 17.12.2015 at the top of the list.

**(Ashwani Kumar Singh, J)**

Md.S./-

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