

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39021 of 2011

- =====
1. Sabita Devi wife of Awadhesh Yadav, daughter of Ramadhar Yadav resident of village- Ahiyapur, P.S.- Vijayipur, Distt.- Gopalganj, Bihar at present resident of Raghunathpur Tola, Ramanibari, P.S.- Banakatta, Distt.- Deoria, (U.P.)
 2. Kamal Devi wife of Ramadhar Yadav
 3. Guddu Yadav son of Ramadhar Yadav
 4. Sakal Yadav son of Mahabir Yadav
 5. Anil Yadav @ Aklesh Yadav S/O Sakal Yadav
- Petitioner nos. 2 to 5 are resident of Raghunathpur Tola, Ramanibari, P.S.- Banakatta, Distt.- Deoria (U.P.)
6. Anita Devi @ Baharan Devi wife of Ghanshyam Yadav, resident of Bangara, P.S.- Khampar, Distt.- Deoria (U.P.)
 7. Mohanlal @ Mohan Lal Bhagat son of Ramlaxan Bhagat, resident of Khadsar, P.S.- Ranakata, Distt.- Deoria, (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. Awadhesh Yadav son of Ramayan Yadav, resident of Ahiyapur, P.S. Vijaipur, District Gopalganj

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav, Advocate
For the Opposite Party/s : Mr. T.P.Mandal, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 05-05-2015 Perused the office note dated 4.5.2015.

In this application filed under section 482 of the Code of Criminal Procedure, the petitioners have challenged the order dated 25.5.2011 passed in Complaint Case No.1535 of 2010 by the learned Judicial Magistrate, 1st Class, Gopalganj whereby the petitioners have been summoned to face trial.

Due to non-compliance of the order dated 1.5.2013, the application as against opposite party no.2 stood dismissed on 15th

May, 2013.

Since the case arises out of a complaint, the complainant is the only necessary party. The State of Bihar in the present case is only a formal party. In absence of the opposite party no.2 the matter cannot be decided on merits.

In that view of the matter, I am of the opinion that this application cannot proceed. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

U			
---	--	--	--