

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.42075 of 2009**

Arising Out of PS.Case No. 220 Year- 2008 Thana -null District- NALANDA (BIHARSHARIFF)

Nejamuddin son of late Chhotan Mian, resident of Mohalla Mariam Tola, P.S. Bihar, District Nalanda

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Mazahar Alam son of late Mahajud Alam, resident of Mohalla Kona Sarai, P.S. Laheri, District Nalanda
3. Vodafone Essar Specital Limited, Maharaja Kameshwar Singh Complex, 4<sup>th</sup> floor, Frazer road, Patna-1

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

**Appearance :**

For the Petitioner/s : Mr. Amar Nath Singh, Advocate  
For the State : Mr. Nirbhay Kumar Singh, APP  
For private Opposite Parties : Mr. Hans Raj, Advocate  
Mr. Hans Raj

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 11-09-2015**

The Petitioner seeks quashing of the order dated 21.10.2009 passed by the S.D.M., Bihar Sharif, Nalanda in Case No.220 (M.P.) of 2008, by which he has initiated a proceeding under Section 146 Cr.P.C.

It is brought to the notice of the Court that during the pendency of this application, the sole Petitioner has died.

Evidently in such circumstances the Petitioner will have to be impleaded by his in case No.220 (M.P.) of 2008 pending before the S.D.M., Bihar Sharif, Nalanda. This was not done up till now since there was a stay operating in the present application and there

was a technical difficulty.

Under peculiar circumstance, the application is disposed of with liberty to the parties to approach the Court below in accordance with law.

**(Anjana Prakash, J)**

Narendra/-

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