

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30077 of 2015

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Ratneshwar Prasad Singh @ Sudhir Prasad Singh, son of late Bishwaneshwar Prasad Singh, resident of village Chitauli, P.S. Siswan Chainpur O.P., Distt. Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanhaiya Yadav, son of Ram Ekbal Yadav, resident of village Nawada, P.S. Siswan Chainpur O.P., Distt. Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.

For the State : Mr. A.M.P. Mehta, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-07-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 26.11.2014 passed by the 1st Additional Sessions Judge, Siwan, in Criminal Revision No. 142 of 2014 by which he has set aside the order dated 26.4.2014 passed by the Sub Divisional Judicial Magistrate, Siwan Town, in Case No. 640M of 2014 without hearing the Petitioner, in a Proceeding under Section 144 Cr. P.C.

The entire order sheet has been annexed herewith from which it does not appear that the Petitioner was noticed.

In view of such, the application is remanded to the Court below which shall notice the Opposite Party No. 2 and after hearing both the Parties, pass a fresh order in accordance with law within a

period of three months from the date of receipt of this order.

With the aforesaid observation, the application stands disposed off.

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(Anjana Prakash, J)