

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30811 of 2009

Arising Out of Complaint Case No.2071 Year- 2004, District- MUZAFFARPUR

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Ram Naresh Prasad @ Ram Naresh Prasad Singh@ Ram Naresh Singh, son of late
Gaya Prasad, r/o Mohalla Durga Puri, Mali Ghat, P.S. Mithanpura, Town & Distt.
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dabloo Kumar, son of Sri Raj Narain Singh, r/o Mohalla Durga puri, Mali
Ghat, B.M.P. 8, P.S. Mithanpura, Town & Distt. Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushkar Narain Shahi, Adv.
Mr. Nishant Choudhary, Adv.
Mr. Sanjeet Kumar Singh, Adv.
For the State : Mr. D. Nandan, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-08-2015

Heard learned counsel for the Petitioner and the State.

No one appears on behalf of the Opposite Party.

The Petitioner seeks quashing of the order dated 9.7.2009 by which the 4th Additional Sessions Judge, Muzaffarpur, in Criminal Revision No. 177 of 2005 affirmed the order dated 29.9.2005 passed by the Judicial Magistrate, 1st Class, Muzaffarpur, in Complaint Case No. 2071 of 2004, Trial No. 1733 of 2005 refused the prayer of the Petitioner under Section 205 Cr. P.C.

It has been submitted that the Petitioner is a government servant and it would be difficult for him to attend personally on each date of the trial and, hence, such a prayer should

be allowed.

Having considered the aforesaid situation, the application is allowed and the Proceeding including the order dated order 9.7.2009 passed by the 4th Additional Sessions Judge, Muzaffarpur, in Criminal Revision No. 177 of 2005 as also the order dated 29.9.2005 passed by the Judicial Magistrate, 1st Class, Muzaffarpur, in Complaint Case No. 2071 of 2004, Trial No. 1733 of 2005 are hereby set aside.

The Petitioner shall however, give an undertaking before the Court below that he shall appear before it on the date so fixed and will not dispute his identity in any manner.

(Anjana Prakash, J)

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