

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22013 of 2013

Arising Out of PS.Case No. -48 Year- 2005 Thana -SARAI RANJAN District- SAMASTIPUR

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Sunil Kumar Ishwar, Son of Tripti Narayan Ishwar, Resident of Village
Gudhma, Police Station- Sarai Ranjan, District- Samastipur

.... Petitioner

Versus

1. The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. None

For the Opposite Party/s : Mr. Aditya Narayan Singh-I(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8 29-06-2016

Today again on call, none appeared on behalf of the

petitioner either to press this petition or to make a prayer for
adjournment. On the last date also, there was non-appearance on
behalf of the petitioner.

Sri Aditya Narayan Singh, learned Addl. Public
Prosecutor, by way of referring to averments made in the counter
affidavit as well as Annexure-O/1 to the counter affidavit, submits
that on the date of order of cognizance i.e. 26.02.2013, the
petitioner was not functioning as Mukhiya and, as such, he was
not a public servant within the definition of Public Servant, as
prescribed under the Prevention of Corruption Act. He further
submits that so far prosecution sanction in respect of other
offences under the Indian Penal Code is concerned, time without
number, it has been held that for such offences, on the ground of

non-availability of prosecution sanction, the order of cognizance may not be interfered with.

Be that as it may, since repeatedly none appeared on behalf of the petitioner, the petition stands dismissed due to non-prosecution.

(Rakesh Kumar, J)

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