

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49602 of 2013

Arising Out of PS.Case No. -932 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Indira Sinha, wife of late Brajnandan Singh, aged about 78 years
 2. Atul Kumar Singh,
 3. Alok Kumar Singh, both sons of late Brajnandan Singh,
All resident of C/o Children Mirror School, Ravinagar, P.S. Mughal Sarai,
District Chandauli (Uttar Pradesh), Pin: 232101
Permanent Address- Janakdhuri Lal Road, Danapur, P.O. + P.S. Danapur,
District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Shri Mohan Prasad, son of late Bhuvneshwar Prasad Srivastava, resident of
village & P.O. Bengahi, P.S. Baorgania, District- Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Ambastha Mr. Rakesh Bihari Sharan, Advocates
For Opp.Party No. 2	:	Mr. Manoranjan Kumar, Advocate
For the State	:	Mr. Shyam Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 16-01-2017 This application under Section 482 Cr.P.C. has

been preferred against the order dated 08.10.2010 passed in

Complaint Case No. 932 (C) of 2012 by Shri Uma Shankar, J.M.

1st Class, Patna.

By the impugned order the prayer of the
petitioners to dispense with the personal attendance in the case
and to permit them to appear by their Pleader under Section 205
Cr.P.C., has been turned down by the learned court below.

The prayer was on the ground that one of the
petitioners is a very old lady and all the petitioners are resident of



Mugalsarai (U.P.), hence they have great inconvenience in attending the case on each and every date at Patna, Bihar.

The prayer has been refused on the ground that there is another complaint case bearing Complaint Case No. 1276 of 2012 pending in the same Court wherein the petitioners are appearing hence the ground of old age and distance of residence has got no merit.

After hearing the parties, it is difficult to disagree with the reason assigned by the leaned court below. In the circumstances, there is no merit in this application. However, it is directed that the court below shall fix the same date in both the cases for convenience of the parties. The Court below is at liberty to entertain the prayer under Section 205 Cr.P.C. in both the cases on justified grounds if the petitioners make such prayer in future.

With the aforesaid observations, this application stands disposed of.

(Birendra Kumar, J)

S.Pandey/-

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