

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4448 of 2016

Arising Out of PS.Case No. -331 Year- 2010 Thana -LAHERIASARAI District- DARBHANGA

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Amrit Raj @ Chandan Son of Satyanarayan Thakur, Resident of Villaeg - Kamargama, P.S. - Kalyanpur, District - Samastipur at Present Mohalla - Belwaganj, P.S. - Laheriasarai, District - Darbhanga.

.... Petitioner

Versus

1. The State of Bihar
2. Sunita Kumari Wife of Amrit Raj @ Chandan and Daughter of Umesh Prasad Sharma, At - Mohalla - Krishnapuri Ahiyapur, P.O. + P.S. - Ahiyapur, District - Muzaffarpur.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Nath Sharma

For the Opposite Party : Mr. Sanjay Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 01-11-2017 Heard learned Counsel for the petitioner as well as the learned Counsel for the State.

The has filed this application for quashing the order dated 20.7.2015 passed by the learned Sessions Judge, Darbhanga in connection with Cr. Misc. No. 91 of 2013 cancelling the anticipatory bail granted to the petitioner.

Learned Counsel for the petitioner submits that the petitioner was not heard in Cr. Misc. No. 91 of 2013, no notice was served to him, so he could not appear in that case.

Perused the report dated 7th September 2017 received from the Sessions Judge, Darbhanga, showing the fact that the



notices issued in Cr. Misc. No. 91 of 2013 was not served to the petitioner. So the impugned order was passed without giving opportunity of hearing to the petitioner. Therefore, the impugned order is set aside on this score and the learned Sessions Judge, Darbhanga, is directed to pass a fresh order on the cancellation petition filed by Sunita Kumari, the informant of this case after giving her notice to appear and move the case, whereas the petitioner accused Amrit Raj @ Chandan is directed to appear before the Sessions Judge, Darbhanga in Cr. Misc. No. 91 of 2013. No notice is required to be given to the petitioner as this order is being passed in presence of the learned Counsel for the petitioner with a direction to the petitioner to be present before the Sessions Court on the day fixed for hearing the petition. The court below shall dispose of the matter within three weeks from the date of receipt of a copy of this order.

Accordingly, this application stands disposed of.

(Arun Kumar, J.)

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