

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1086 of 2011

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Shyam Sundar @ Shyam Paswan, son of Sri Chandeshwar Paswan, resident of village Parsa, P.S. Bela, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Department of Home (Police), Government of Bihar, Old Secretariat, Patna.
3. Director General of Police, Government of Bihar, Old Secretariat, Patna.
4. Superintendent of Police, Sitamarhi.
5. Officer-in-charge of Parihar Police Station, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

7 09-05-2018 It appears from perusal of the final form/report bearing no.74 of 2011 dated 30.6.2011 enclosed with the counter affidavit that a prima facie case has been found against the petitioner for the offences under Section 302/34 of the Indian Penal Code. He has been charge sheeted showing him absconder. He is named accused in the farbeyan as assailant of the deceased. Earlier the writ application was dismissed against respondent no.6 for non-compliance of the order dated 26.6.2012, however, it was later on restored vide order dated 15.11.2017 passed in M.J.C. No.5437 of 2012.

In the meantime, respondent no.6 has died. On 7.3.2018, learned counsel for the petitioner was granted four



weeks' time to take necessary steps for substitution of the legal heirs of respondent no.6. The office report says that the order dated 7.3.2018 has not been complied with.

Having taken note of the aforementioned facts, this Court is of the opinion that the writ application cannot proceed in absence of respondent no.6. Learned counsel for the State is present.

The writ petition is dismissed for the reasons mentioned above.

(Rajeev Ranjan Prasad, J)

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