

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 27267 of 2010

1. Vijay Rai Son of Late Jhapas Rai.
 2. Satendra Rai @ Satendra Kumar Son of Vijay Rai.
 3. Upendra Rai Son of Vijay Rai.
 4. Dharmendra Rai @ Dharmendra Kumar Son of Vijay Rai.
 5. Ravindra Rai Son of Vijay Rai.
- All resident of Village- Mahua Singh Rai, P.S. Mahua District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lal Bihari Rai Son of Late Jamun Rai Resident of Village- Fulpura, P.S. Vidupur, District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gaurav Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 06-02-2019

The matter has been placed by the Registry pointing out that due to non compliance of the order dated 30.09.2010, the application has stood dismissed against the opposite party no. 2. When earlier the matter was placed before the Bench on 21.06.2011, on the prayer made by learned counsel for the petitioners, the matter was adjourned for four weeks. Thereafter, on 28.11.2011, the Court had allowed the petitioners to take proper steps as deemed fit and proper. Despite the same, no steps have been taken on behalf of the petitioners.



2. As the matter relates to a case under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and the Court while granting interim stay had issued notice to the opposite party no. 2, with the condition that if requisites were not filed within the period specified, the application against him shall stand rejected without further reference to the Bench, it is obvious that the Court required the opposite party no. 2 to be present before passing any final order. Since this application stands rejected against the opposite party no. 2 in the year 2010 itself, and despite twice earlier the Court having given opportunity to the petitioners to take appropriate steps, the same not having been done, the present application, in the opinion of the Court is required to be dismissed.

3. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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