

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1206 of 2019

In

CRIMINAL MISCELLANEOUS No.30470 of 2016

Securities and Intelligence Services (India) Limited having its corporate office at A-28 and 29, Okhla Industrial Area, Phase-I, New Delhi, Pin code-110020, registered office of Patna Address- Annapoorna Bhawan, Patliputra Telephonon Exchange Road, Kurji, Patna through Mr. Akhilesh Kumar Pahtak, Associate Vice President, Bihar Region, Patna, resident of Bindeshwar Enclave, Road No. 05 Indrapuri, Patna- 800024, Permanent resident of Thana Road Panki, opposite Government Middle School, Panki, District- Palamu, State- Jharkhand- Pin Code-822124, Addhar address as resident of D-2 286, Penta Homes, VIP Road, Zirakpur, SAS Nagar, P.S. Mohali, District- Mohali, State- Punjab.

... .. Appellant/s

Versus

1. The State of Bihar.
... .. Opposite Party No.1... ..Respondent 1st Set
2. The Central Bureau of Investigation through the S.P. , C.B.I. Patna.
... ..Respondent 2nd Set
3. Rupesh Kumar, Son of Balmiki Singh @ Sri Balmiki Pd. Singh, Resident of Village- Padariya, P.S. Gangta, District- Munger.
... .. Petitioner... ..Respondent 3rd Set
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr.Prabhat Kumar Verma (AAG-3)

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-09-2019

Heard Shri Sumeet Kumar Singh, learned
counsel for the appellant.

2. The present Letters Patent Appeal arises out



of an order dated 21st February, 2019, wherein certain directions have been issued for the investigation of a case by the Central Bureau of Investigation and the matter is stated to be being monitored by a learned Single Judge of this Court and the next date fixed is 21st October, 2019.

3. We have perused the records of the learned Single Judge and the various orders passed from time to time which is in detail in the order-sheets of the said petition.

4. Learned counsel for the appellant submits that the previous orders which were passed, implicating the appellant, were without impleading the appellant and without putting the appellant to notice, but after the appellant had appeared and filed an application for recall of the orders, certain more orders have been passed by the learned Single Judge that has given rise to the present appeal.

5. Since the matter arises out of a Criminal Miscellaneous Application, we find on the facts of the present case that it will not be appropriate to entertain this appeal under Clause-X of the Letters Patent, contained in the Patna



High Court Rules.

6. Learned counsel for the appellant even though relying on certain judgments urges that the appeal would be maintainable, yet in the background of the case and the nature of the orders passed, we do not find it appropriate to entertain the appeal which, in our opinion, cannot be maintained without prejudice to the rights of the appellant to approach the higher forum for the redressal of his grievances.

7. The appeal is, accordingly, dismissed as withdrawn, subject to above.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

Praveen-II/Shageer

AFR/NAFR	NAFR
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