

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.175 of 2021

In
Letters Patent Appeal No.184 of 2021

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Priyam Wife of Shri Sunil Kumar, Resident of Pratap Bhawan, Goriya Toli,
Anaith, P.O. Anaith, P.S. Ara, Nawada, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The District Magistrate-Cum-District Election Officer, Municipality, Bhojpur at Ara.
3. Mr. Abhay Kumar Pandey, Son of Shri Dinesh Pandey, Resident of Village Simariya (Barhara), P.O. and P.S. Barhara, District - Bhojpur (Bihar).
4. The State Election Commission, Bihar, Patna through its Secretary, State Election Commission, Bihar, 5th Floor, Sone Bhawan, Veer Chand Patel Path, Patna.
5. The State Election Commissioner, State Election Commission, Bihar, 5th Floor, Sone Bhawan, Veer Chand Patel Path, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Chaudhary, Sr. Advocate
		Mr. Shashi Bhushan Kumar, Advocate
For the State	:	Mr. Mritunjay Kumar, A.C. to AAG-6
For Respondent Nos. 4 & 5:		Mr. Sanjeev Nikesh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJAN GUPTA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 09-02-2022

Being aggrieved and dissatisfied with the



judgment dated 22.10.2021 passed in Letters Patent Appeal No. 184 of 2021, the instant Review Petition has been preferred by the petitioner.

Shri Basant Kumar Choudhary, learned Senior Counsel appearing on behalf of the review-petitioner, under instructions, states that Private Respondent No. 3 namely Mr. Abhay Kumar Pandey, son of Shri Dinesh Pandey, Resident of Village- Simariya (Barhara), P.O.& P.S. Barhara, District- Bhojpur (Bihar) stands served Dasti. Also, learned counsel appearing for Respondent No.3 stands notified of the pendency of the present proceedings.

Despite repeated calls, none has entered appearance on behalf of the said respondent. As such, he is proceeded *ex parte*.

We notice that there is an error apparent on the face of record in the consideration and application of the provisions of the Statute, resulting into miscarriage of justice. Grounds for allowing the petition, as specified in the petition have weighed with us.

For the reasons assigned in the petition and the principles laid down under law, we allow the present



petition. Judgment dated 22.10.2021 passed in Letters Patent Appeal No. 184 of 2021, titled as Priyam v. The State of Bihar & ors. is recalled and the Letters Patent Appeal is restored to its original status and position and taken up for hearing today.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Rajan Gupta, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	10.02.2022
Transmission Date	

