

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39603 of 2015

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Bishundeo Mishra & Ors

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Amrendra
Mr. Ravi Shanker Pankaj
For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 26-08-2015 Heard Dr. Amarendra, learned counsel, who was assisted by Sri Ravi Shanker Pankaj, learned counsel for petitioners and learned Addl. Public Prosecutor.

The present petition has been filed with a prayer to restore Cr. Misc. No. 38737 of 2011, which stood dismissed due to non-compliance of peremptory order dated 19-01-2012. By the said order, while admitting the petition, a direction was given for issuance of notice to opposite party no. 2. Notice was to go through ordinary post as well as registered cover with A/D for which, requisites were to be filed within ten days. Since the order was not complied with, the petition stood dismissed.

Learned counsel for petitioners submits that the said case was admitted for hearing and as such, due to bona fide reason, which was beyond the control of petitioners, requisites could not be filed, in compliance with the order of the Court.

In view of the facts & circumstances and after hearing the parties, the petition stands allowed.

Let Cr. Misc. No. 38737 of 2011 be restored to its original file. It is made clear that if in compliance with earlier order i.e. order dated 19-01-2012 passed in Cr. Misc. No. 38737 of 2011, requisites are not filed within four weeks from today, the Cr. Misc. No. 38737 of 2011 shall stand dismissed without further reference to a bench.

(Rakesh Kumar, J.)

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