

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 53754 of 2015

Arising out of

Criminal Miscellaneous No. 44980 of 2015

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1. Mohan Mahto Son of Late Dukhi Mahto

2. Arvind Mahto, Son of Mohan Mahto

Both are resident of Village - Pahari Chak Gachi, Police Station - Sonapur,
District - Saran (Chapra).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

2 02-12-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The present application has been filed for recall of
the order dated 16.10.2015 by which Cr. Misc. No. 44980 of 2015
stood dismissed for non-prosecution.

Learned counsel for the petitioners submits that due
to some personal preoccupation, he was not present in Court and

had requested one of his colleagues to pray for time. However, it appears that no such prayer was made. It is submitted that due to inadvertence, the case was dismissed and there was no deliberate or wilful laches on his part.

Learned A.P.P. does not oppose.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the order dated 16.10.2015 passed in Cr. Misc. No. 44980 of 2015 stands recalled.

Accordingly, Cr. Misc. No. 44980 of 2015 stands restored to its original file and number.

The application stands disposed off.

(Ahsanuddin Amanullah, J)

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