

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9919 of 2016

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1. Kamal Kishor Singh son of late Ramlakhan Singh, resident of Village Akhatwara, P.S. Hathauri, District Samastipur.
 2. Lal Bahadur Bhartiya, son of Umakant Singh, resident of Village Mahdeva, P.S. Hathauri, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Illias, Branch Manager Samastipur Kshetriya Gramin Bank, Shivajee Nagar, P.S. Hathauri, District Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 02-03-2016 Heard the Counsel for the petitioners and the APP for the State.

The application seeks restoration of Cr. Misc. No. 4296 of 2012 (restoration) which stood dismissed for non-compliance of the order dated 12.9.2012 whereby this Court granted one week peremptory time to take fresh steps for service of notice on the opposite party.

Counsel for the petitioners, with reference to the statements made in the paragraph 2 of the application, submits that requisites as per the said order were filed well within time on 18.9.2012 but by mistake in Cr. Misc. No. 38376 of 2007 out of which Cr. Misc. No. 4296 of 2012 arose. It is submitted that it was

a bona fide mistake on the part of the office of the Advocate.

Having heard the Counsel for the petitioners and the State, the application is allowed. Filing of the requisites in Cr. Misc. No. 38376 of 2007 shall be treated as filing of requisites in Cr. Misc. No. 4296 of 2012 and the office shall accordingly proceed.

(Kishore Kumar Mandal, J)

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