

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57421 of 2015

In
Criminal Miscellaneous No. 13935 of 2013

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1. Niraj Kumar son of Sri Raj Kumar Singh, resident of M-3, 1st Floor,
Mukharjee Tower, P.S.- Mukharjee Nagar, Town & District- New Delhi
2. Kundan Kumar son of Sri Dayanand Singh, resident of Nutan Nagar, P.S
Civil Line, Town & District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Vijay Kumar, son of unknown, resident of M.I.C.- 98, Chanakyapuri,
P.S.- Civil Line, Town and District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Prasad Singh, Advocate
Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party No.1: Mr. Jitendra Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 04-05-2016

The present Cr.Misc. application has been filed on behalf of the petitioners for restoration of Cr.Misc.No. 13935 of 2013, which stood dismissed for want of prosecution by an order dated 30.07.2015.

In the present application, by order dated 27.01.2016, notice was issued to the opposite party no.2, but despite valid service of notice, none appears on his behalf to oppose the prayer made in the present application.

After having heard the learned counsel for the petitioners and the learned Addl.P.P., appearing on behalf of the State of Bihar, and for the reasons disclosed in the present application, the prayer for restoration is allowed and Cr.Misc.No. 13935 of 2013 is directed to be restored to its original file, subject to the condition that the petitioners shall confine their prayer in the aforesaid Cr.Misc.No. 13935 of 2013 only with respect to order taking cognizance and so far the prayer for quashing the

FIR is concerned that shall be deleted in paragraph no.1 of the main application in course of the day.

Now, Cr.Misc.No.13935 of 2013 shall be listed before appropriate Bench, as per the roster, after obtaining necessary permission from Hon’ble the Acting Chief Justice.

The present application stands finally disposed of with the observations and directions made above. .

(Birendra Prasad Verma, J)

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