

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51365 of 2016

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Md. Reyaz

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 07-12-2016 Heard Sri Satyendra Rai, learned counsel for the petitioner , Sri Nityanand , learned Additional Public Prosecutor as well as Sri Sanjay Kumar Pandey, learned counsel who has voluntarily appeared on behalf of the opposite party no. 2 who intends to file Vakalatnama on behalf of the opposite party no. 2 . Vakalatnama may be filed in Registry.

The present prayer has been filed with a prayer to restore Cr. Misc. No. 36842 of 2016 which stood dismissed due to non -compliance of peremptory order dated 24.8.2016. By the said order a bench of this court had directed for issuance of notice to the opposite party no. 2 for which requisite was to be filed within one week peremptory. It has been indicated that though requisites were filed but it was filed belatedly on 1.9.2016 and due to the said reason the petition earlier stood dismissed so far complainant /opposite party no. 2. Thereafter matter was placed under the



heading “For Order On Office Note” on the point as to whether in absence of complainant petition can proceed or not. However this court observed vide its order dated 15.11.2016 that in absence of opposite party no. 2 the petition may not proceed and stood dismissed .

After hearing learned counsel for the parties and considering the fact that requisite was already filed of- course after expiry of peremptory time, in view of the facts and circumstances the petition can be allowed to be restored.

Accordingly Cr. Misc. No. 36842 of 2016 is directed to be restored to its original file.

(Rakesh Kumar, J)

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