

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36156 of 2016**

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Girja Kumar @ Girja Prasad son of Late Ram Naresh Prasad, Resident of  
Mohalla- Lipgunj Chatti, P.S.- Sherghati, District-Gaya

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Binay Kumar son of Shri Mahendra Mahto, resident of Mohalla- Narayan  
Colony, P.S.- Sherghati, District- Gaya

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR  
SINGH**

ORAL ORDER

2      24-08-2016                      The present application under Section 482 of the Code  
of Criminal Procedure has been filed for restoration of Cr.Misc.  
No. 33569 of 2015 which stood dismissed for non-compliance of  
order dated 27.6.2016.

It is submitted by the learned counsel for the petitioner  
that due to oversight and mistake in properly appreciating the  
order of this Court, wrong noting was made in the file as a result  
of which the peremptory order passed by this Court could not be  
complied with.

Having heard learned counsel for the petitioner and on  
the facts and in the circumstances of the case, the application is  
allowed.

Let Cr. Misc. No.33569 of 2015 be restored to its original file.

As prayed for, one week's time is allowed to take steps for fresh service of notice upon opposite party no.2 both by registered cover with A/D as well as ordinary process with present and correct address failing which the application as against him shall stand rejected without further reference to a Bench.

**(Ashwani Kumar Singh, J)**

Md.S./-

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