

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3061 of 2016**

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Junaid Khan son of Md. Munir Khan Resident of Dakshin Mohalla, Bhabua  
Ward No. 15, P.O. and Police Station - Bhabua, District - Kaimur.

.... .... Petitioner

Versus

1. The State of Bihar.
2. Anjum Ara wife of Junaid Khan daughter of Parvez Alam
3. Maria daughter of Junaid Khan under guardianship of her mother  
Anjum Ara Resident of Bhabua Dakshin Mohalla, Ward No. 15, P.O.  
and Police Station - Bhabua, District - Kaimur.

.... .... Opposite Parties.

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**Appearance :**

For the Petitioner/s : Mr. Sajid Salim Khan, Advocate  
For the Opposite Party/s : Mr. Surendra Pd.Singh, APP

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

2      27-01-2016                      Heard learned counsel for the petitioner and learned  
counsel for the State.

By way of the present application under Section 482  
of the Code of Criminal Procedure, 1973, the petitioner seeks  
restoration of Cr. Misc. No. 19072 of 2015 which was  
dismissed for non-compliance of the peremptory order dated  
23.11.2015.

It has been contended by learned counsel for the  
petitioner that due to calculation mistake notice could be filed  
on 08.12.2015, though the last date for filing it was 07.12.2015.

It has been further contended that there was no willful or deliberate laches on the part of the petitioner.

Learned counsel for the State does not oppose the prayer for restoration of the aforesaid application.

On the facts and in the circumstances, the prayer is allowed.

Let Cr. Misc. No. 19072 of 2015 be restored to its original file.

Accordingly, the application is disposed of.

**(Ashwani Kumar Singh, J.)**

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