

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24688 of 2017

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1. Bilas Bhuiyan son of Pachchu Bhuiyan
2. Janardhan Buiyan son of Late Prabhunath Bhuiyan
Both resident of village- Azad Bigha, P.S.-Amba, District- Aurangabad.
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-05-2017 This application has been filed for restoration of Criminal Misc. No.55219 of 2016, as it has been submitted that the Clerk of the learned counsel for the petitioner could not mark the case as such he could not appear, as such due to the laches of the Advocate Clerk, the petitioner, should not be allowed to suffer.

From perusal of the record of Cr. Misc. No.55219 of 2016, it appears that the case was listed on 2.2.2017 and no one appeared so it was directed to be listed on 8.2.2017 and it was listed on 9.2.2017 but again no one appeared and the case was directed to be listed on 10.2.2017 making it clear that it is the last chance and again on 10.2.2017, no one appeared on behalf of the petitioner.

Considering the aforesaid aspect of the matter, explanation of the petitioner does not appear to be proper,



however, for the laches on the part of the office of the learned counsel for the petitioner, the petitioner should not be allowed to suffer.

As such this restoration application is allowed at the cost of Rs.500/- payable in the Legal Services Committee and Cr. Misc. No.55219 of 2016 is restored to its original file.

(Vinod Kumar Sinha, J)

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