

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16607 of 2017

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Md. Amjad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sri Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 12-04-2017 Heard Sri Ashok Kumar Jha, learned counsel for

the petitioner and Sri Madan Kumar, learned Addl. Public

Prosecutor.

The present petition has been filed with a prayer to
restore Cr.Misc. No.26862 of 2014. It was dismissed on
15.11.2016 in view of the fact that earlier the petition stood
dismissed against Opp.Party no.2 in view of non-compliance of
peremptory order dated 14.09.2016.

It was submitted by learned counsel for the
petitioner that in the main petition repeatedly as per order of the
Court, he had filed requisites, but one way or the other same could
not be served on Opp.Party no.2. On 14.09.2016, again time was
granted for filing requisites for fresh service of notice, but due to
ailment of learned counsel for the petitioner, the said order could
not be complied with and, as such, the petition stood dismissed



against Opp.Party no.2. Thereafter, the mater was listed under the heading “For Orders (On Office Notes)” as to whether in absence of Opp.Party no.2 the case can proceed or not. Only thereafter on 14.09.2016 the petition stands dismissed due to non-compliance of peremptory order.

Learned counsel for the petitioner submits that due to bona fide mistake earlier order could not be complied with.

After hearing learned counsel for the parties and considering the facts disclosed in the petition, same is allowed.

Let Cr.Misc.No.26862 of 2014 be restored to its original file even against Opp.Party no.2, provided the petitioner complies the order dated 14.09.2016 passed in Cr.Misc.No.26862 of 2014 within a period of two weeks from today, failing which Cr.Misc.No.26862 of 2014 shall stand dismissed without further reference to a Bench.

(Rakesh Kumar, J)

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