

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3458 of 2016

In

Cr. WJC 697 of 2016

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1. Mukul Kumar Tiwari @ Dablu Tiwari
 2. Rupusudan Tiwari @ Nanhe Tiwari
 3. Amresh Tiwari @ Bablu Tiwari
 4. Suman Tiwari @ Munna Tiwari All are sons of Bharat Tiwari resident of Village- Katwa, P.S.- Gopalganj and District- Gopalganj.
 5. Binay Tiwari @ Binay Kumar Tiwari son of Rampravesh Tiwari resident of Village- Allapur, P.S.- Manjhagrah, District- Gopalganj.
 6. Baban Chaudhary son of Indradev Chaudhary resident of Village- Hirapakad, P.S.- Yadopur, District- Gopalganj.

.... Petitioners

Versus

1. The State of Bihar through the District Magistrate, Gopalganj.
2. The Superintendent of Police, Gopalganj.
3. The S.H.O. Gopalganj Town Police Station, Gopalganj.
4. The Dr. Drupdeo Mali son of Akhalat Mali resident of Sawanahi Tola, Dhoom Nagar, P.S.- Phulwariya, District- Gopalganj.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Adv.
For the Respondent/s : Mr. Kinkar Kumar, S.C.-9.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 22-11-2017

Heard learned counsel for the parties.

Cr.W.J.C.No.697 of 2016 was dismissed for non-prosecution on 17.09.2016. The present application is for setting aside the dismissal and restoration of Cr.W.J.C.No. 697 of 2016 to its original file.

Notices have already been served on the State-opposite party as well as private opposite party No.4 but no one appears on behalf of private opposite party No.4.



After hearing the petitioner as well as the State Counsel and finding substance in the explanation for non-appearance, let the dismissal be set aside and Cr.W.J.C. aforesaid be restored subject to the cost of Rs. 1,000/- to be deposited in the Victim Compensation Fund.

Accordingly, this application stands allowed.

(Birendra Kumar, J)

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