

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31154 of 2018**

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1. Vijay Kumar Roy @ Vijay Kumar Ram, son of Late Ram Das,  
2. Kiran Devi, wife of Vijay Kumar Roy @ Vijay Kumar Ram,  
Both are resident of Mohalla- Ramjee Chak, P.O.- Bataganj, P.S.-  
Digha, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Hari Om Dubey, son of Late Ranveer Bahadur Dubey, resident of  
Mohalla- Bataganj, P.S.- Digha, District- Patna, permanently resident of  
Village- Agni, P.O. Sikariya, P.S.- Darigaon, District- Rohtas.

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

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma. A.P.P.

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

2      26-09-2018                      Heard learned counsel for the petitioners and learned  
counsel for the State.

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for restoration of Cr. Misc. No. 3880 of 2017 which was dismissed for non-compliance of the order dated 10.10.2017.

It is contended by the learned counsel for the petitioners that on 10.10.2017 when the case was called out he was not present in the court and, as such, he could not come to know about the nature of the order as a result of which the order could not be complied with in time. However, only two days after expiry of the peremptory time, the order passed by this Court has already



been complied.

Considering the facts and circumstances of the case and the submissions made above, the prayer is allowed.

Cr. Misc. No. 3880 of 2017 is directed to be restored to its original file.

**(Ashwani Kumar Singh, J)**

Md.S./-Sanjeev

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