

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59287 of 2018

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1. Rajesh Yadav @ Rajesh, Son of Bindeshwar Yadav,
2. Kamlesh Yadav, Son of Suresh Yadav,
Both residents of Village- Gaffor Bigha, P.S.- Asthawan, District- Nalanda
at Biharsharif.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Sri Bipin Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 26-09-2018

Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor.

It has been submitted on behalf of learned counsel for the petitioners that other appeals relating to co-convicts have already been admitted. So far these petitioners are concerned, apart from others plea of juvenility has also been taken which was also to be properly verified but, as the then learned counsel failed to exercise his due diligence within time and as he has been appointed at the fag end of the time span granted under peremptory order, on account thereof, could not be able to remove the defect within the peremptory time. It has further been submitted that for removal of the defect along with stream lining the appeal, supplementary affidavit would be required which could be filed only after restoration and so, the present existing defect could not be removed unless there happens to be restoration.

Considering the submission, the Cr. Appeal (SJ) No.508/2018 is directed to be restored after stretching upon the peremptory order dated 26.03.2018 consequent thereupon,



Cr. Misc. No.59287/2018 is allowed.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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