

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51350 of 2018

In
Criminal Appeal (SJ) No.3319 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Patna

1. Binay Kumar @ Binay Rai son of Harihar Rai @ Harhar Prasad,
2. Uday Rai son of Palak Nath Rai, both are resident of village Sherpur P.S.
Maner, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Yogendra Baitha son of late Bhawani Baitha, R/o. Village- Sherpur, P.S.
Maner, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Usha Kumari Singh, Advocate
For the Opposite Party/s : Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 12-12-2018 This application is for restoration of Cr. Appeal (SJ)
No.3319 of 2017, which was dismissed for default on 21.03.2018 for
non-compliance of peremptory order.

Submission is that peremptory order has already been
complied by the petitioners after time granted by the Court. For
substantial justice, the appeal be restored and heard according to law.

Considering the facts of this case, for substantial
justice the dismissal is set aside and the Cr. Appeal (SJ) No.3319 of
2017 is restored to its original file.

Accordingly, the application stands allowed.

(Birendra Kumar, J)

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