**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Criminal Miscellaneous No.76622 of 2018**
**In**
**Criminal Miscellaneous No.33323 of 2011**

Arising Out of PS. Case No.- Year- Thana- District- East Champaran

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Mahanth Vikrama Das @ Vikrama Das

... ... Petitioner/s

Versus

State Of Bihar & Anr

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Shailendra Kumar Tiwary
For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

2 19-12-2018 Petitioner has filed this petition for restoration of the Cr. Misc. No. 33323 of 2011 to its original file with the case that the aforesaid case was earlier listed before the Bench of Hon'ble Mr. Justice Aditya Kumar Trivedi and he was pleased to stay the further proceeding of the case pending in the court below till the disposal of the case and directed the State to file Counter Affidavit within four weeks. But the State filed the counter affidavit after long span of time of seven years and thereafter the case was listed continuously in the court of Hon'ble Mr. Justice Ashutosh Kumar. All of sudden, the Bench was changed and no message regarding change of the bench was received by the counsel for the petitioner hence on calling of the case, he could not turn up before the Court and the case was dismissed

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for default on 24.08.2018. There has been no deliberate and intentional laches on the part of the petitioner in dismissal of the aforesaid case rather due to aforesaid circumstances.

In the facts and circumstances of the case and finding the sufficient ground in the aforesaid petition for restoration of the aforesaid case, Cr. Misc. No. 33323 of 2011 is restored to its original file and Cr. Misc. No.76622 of 2018 is allowed.

**(Prakash Chandra Jaiswal, J)**

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