

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56522 of 2018

In
Criminal Miscellaneous No.24610 of 2011

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1. Md. Israil, Son of Late Bengali Miya, Managing Director, Hotel Kosi Niwas Pvt. Limited, Bengali Bazar, P.S. & District- Saharsa.
 2. Md. Salahuddin, Son of Md. Israil, R/o Hotel Kosi Niwas Pvt. Limited, at present both residing at Gangala Mohalla P.S. & District- Saharsa.
 3. Birendra Kumar Jha, Son of Sri Nageshwar Jha, R/o Ganjala Chowk, P.S. & District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Jubeda Khatoon, Wife of Late Md. Hashim, R/o Isllamia Chowk, Banjala Mohalla, P.S. & District- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Akwal Singh
For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 12-09-2018 This Cr. Misc. application has been filed by the petitioner for restoration of Cr. Misc. no. 24610 of 2011 to its original file with the case that in the said case, dated 10.08.2018 was fixed for hearing, but as learned counsel for the petitioners is old person aged about 84 years and was bed ridden, on the aforesaid date, due to viral fever, he could not attend the court due to his aforesaid ailment and, accordingly, the case was dismissed in default of the petitioners. There is no willful and intentional laches on the part of the petitioners in dismissal of



the case.

In the facts and circumstances and in the interest of justice, the Cr. Misc. no. 24610 of 2011 is restored to its original file and the present Cr. Misc. application is allowed.

Issue notice to the O.P. no. 2 at her correct present address through both the processes i.e. ordinary process as well as speed post, for which requisites etc. must be filed within two weeks.

(Prakash Chandra Jaiswal, J)

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