

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21897 of 2019

In
CRIMINAL MISCELLANEOUS No.40603 of 2009

Arising Out of PS. Case No.-174 Year-2007 Thana- BIHTA District- Patna

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1. Baijnath Rai S/o Nathuni Rai Resident of Tier Colony, M.E.S., Bihta Air Force, Bihta, P.S.- Bihta, District- Patna
 2. Bipin Kuamr S/o Baijnath Rai Resident of Tier Colony, M.E.S., Bihta Air Force, Bihta, P.S.- Bihta, District- Patna
 3. Satish Kumar S/o Baijnath Rai Resident of Tier Colony, M.E.S., Bihta Air Force, Bihta, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajendra Ram S/o Late Saukhi Ram Permanent resident of village- Maniyarpur, P.S.- Bidupur, District- Vaishali, at present Peon, Central School, Bihta Air Force, Bihta, P.S.- Bihta, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Ms. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-07-2019 A prayer has been made for restoring Cr. Misc.

No. 40603 of 2009 which stood dismissed for non-

compliance of the order of this Court.

It appears that on 22.02.2010, notice was

issued to the O.P. No. 2 and further proceedings were

stayed with respect to the petitioners. Thereafter, it was

found that the records of the case was missing and



therefore the office was directed by this Court to initiate a process for reconstruction of the file. While reconstructing the file, the office noted that the order for filing requisites for issuance of notice to O.P. No. 2 was directed in peremptory terms and since no steps were taken for issuance of notice, the file was put up before a Bench to seek permission whether to reconstruct the file or to draw a formal order of dismissal in case of default of compliance of the order dated 22.02.2010.

The learned advocate for the petitioner has submitted that because of the records having gone missing, the petitioner could not furnish the requisites for issuance of notice. Other reasons also have been accorded in the petition for restoring the case to its original file. It has now been submitted that O.P. No. 2 has appeared whose *Vakalatnama* is on record.

Considering the aforestated facts, the prayer made in the petition is allowed. Cr. Misc. No. 40603 of 2009 is restored to its original file.



The restoration application stands allowed.

(Ashutosh Kumar, J)

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