

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2965 of 2018

In
Letters Patent Appeal No.2046 of 2016

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Biswamitra Singh @ Vishwamitra Singh, Son of Sri Lalan Singh, resident of
Simri Bhan Bharauli Patti, P.S.- Simri, District- Buxar, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Deputy Inspector General of Police (Rail), Government of Bihar, Patna.
4. The Superintendent of Police Rail, Katihar.
5. The Inspector (Rail), Barauni Railway Police Station, Barauni, District-
Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amit
For the Respondent/s : Mr.Prabhat Kumar Verma - Aag 3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

3 09-01-2019 This application is filed for restoration of L.P.A. No.

2046 of 2016 which stood dismissed for non-compliance of the

peremptory order dated 01.02.2018 for removal of defects as

pointed out by the office.

On call, Mr. Amit, learned counsel appearing for the

petitioner while informing that defect no. 5 requires the

petitioner to remove Annexure-1 from the memo of appeal

though it forms an integral part for the cause of action in

maintaining the appeal submits, that as regarding the other

defect, he shall be filing a fresh copy of the counter affidavit of



the respondent no. 4 within one week.

Having heard learned counsel for the parties and taking note of the submission so made by Mr. Amit, learned counsel for the petitioner while directing for ignoring the objection at defect no. 5, we allow him to file the counter affidavit to the respondent no. 4 within one week from today.

The restoration application is allowed. L.P.A. No 2046 of 2016 is restored to its original file and be listed before the appropriate Bench on its turn after a week of filing of the counter affidavit.

(Jyoti Saran, J)

(Nilu Agrawal, J)

devendra/priyanka

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