

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81756 of 2019

In
CRIMINAL MISCELLANEOUS No.42797 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- RAXAUL District- East Champaran

Jailal Prasad Son of Late Harihar Sah Resident of Village - Ward No.13, P.S.-
Raxaul, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Hiva Lal Sah, Son of Bagar Sah Resident of Village - Bhawanipur, P.S.-
Nakardeyi, At present residing at Block Road, Ward No.16, P.S.- Raxaul,
Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-01-2020 Heard Mr. Anshu Dhar Sharma, learned counsel for
the petitioner.

The present application has been filed for restoration
of Cr. Misc. No.42797 of 2019 which was dismissed for default
due to non-compliance of the peremptory order dated
14.08.2019.

Learned counsel for the petitioner submits that due to
inadvertence, the requisites for issuance of notice on Opposite
Party No.2 was filed with some delay inasmuch last date for
filing requisites was 28.08.2019 but it has been filed after delay
of two days, i.e., on 30.08.2019. Learned counsel further



submits that Opposite Party No.2 has already appeared through Vakalatnama.

After having heard learned counsel for the parties and taking into consideration the fact as mentioned in paragraph No.2 of this application, this application is allowed and the Cr. Misc. No.42797 of 2019 is restored to its original file.

Office is directed to verify that if Opposite Party No.2 has already appeared by filing Vakalanama, this case may be listed under the heading for 'Admission'.

(Anil Kumar Sinha, J)

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