

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21472 of 2021

In
CRIMINAL MISCELLANEOUS No.1388 of 2020

Arising Out of PS. Case No.-525 Year-2019 Thana- BANKA District- Banka

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ARVIND KUMAR MUNNA Son of Lalbabu Malkar Resident of Village -
Ward no.22, Golghar, P.S.- Gandhi Maidan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman

For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-07-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Ms. Gulnar Begumr, learned A.P.P. for the State.

The present petition has been filed for restoration of a petition bearing Criminal Misc. No. 1388 of 2020, which has stood dismissed for default on account of non-compliance of the peremptory Orders.

The present case has a chequered history inasmuch as initially a petition bearing Criminal Misc. No. 1388 of 2020



was filed by the petitioner seeking the privilege of anticipatory bail, in connection with Banka P.S. Case No. 525 of 2019, however, the same was dismissed for default on account of non-compliance of the peremptory order dated 13.12.2020. Thereafter, the petitioner had filed a restoration petition bearing Criminal Misc. No. 11959 of 2020, however, on account of non-compliance of the peremptory order dated 05.03.2020 whereby and whereunder the petitioner was granted three weeks' time for removing the defects and depositing a sum of Rs. 500/- with the Patna High Court Legal Services Committee, the aforesaid Criminal Misc. No. 1388 of 2020 could not be restored to its original file.

The learned counsel for the petitioner has submitted that on account of the prevailing COVID-19 pandemic situation, the order of this Court could not be complied with nonetheless the petitioner has now deposited a sum of Rs. 500/- with the Patna High Court Legal Services Committee, hence a lenient view may be taken.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, the petition bearing Criminal Misc. No. 1388 of 2020 is directed to be restored to its original file,



however, subject to the petitioner submitting proof of service of a copy of the aforesaid petition bearing Criminal Misc. No. 15388 of 2020 upon the learned counsel usually appearing for the State Food Corporation, within a period of four weeks from today, by physical mode before the registry of this Court.

The petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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