

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25057 of 2021

In
CRIMINAL MISCELLANEOUS No.83750 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- PIRO District- Bhojpur

MD. INDU MANSURI @ MD.INDU ANSURI @ INDU MANSURI Son of
Md. Kallamuddin Resident of Village - Jaishidih, New Tola, P.S. - Piro,
District - Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shakina Khatoon @ Shash Kina Khatoon @ Ashima Khatoon Wife of Md.
Indu Mansuri Resident of Village - Jaishidih, New Tola, P.S. - Piro, District -
Bhojpur (Ara). present address D/O Md. Jalil Mansuri, Resident of Village -
Budhi Jethwar, P.S. - Tarani, District Bhojpur (Ara).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Pandey, Advocate
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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.

The present petition has been filed for restoration
of a petition bearing Criminal Miscellaneous No. 83750 of
2019, which has stood dismissed for default on account of non-
compliance of the peremptory Order dated 06.01.2020.

The learned counsel for the petitioner has submitted
that thought the requisites for issuance of notice, by both the



modes, to the opposite party no. 2, were filed before the registry of this Court, however, the same were filed after the stipulated time had expired, hence the connected petition had stood dismissed for default. It is submitted that on account of mistake on the part of the Ld. counsel for the petitioner in noting the time period granted for filing the requisites, delay took place in filing the same, resulting in dismissal of the case on account of the non-compliance of the peremptory order dated 06.01.2020.

The learned A.P.P. for the State Ms. Anita Kumari Singh does not oppose the present petition.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, the present petition is allowed and it is directed that the aforesaid petition bearing Criminal Misc. No. 83750 of 2019 be restored to its original file.

The registry may proceed in accordance with law.

(Mohit Kumar Shah, J)

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