

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19355 of 2020

In
CRIMINAL MISCELLANEOUS No.44378 of 2019

Arising Out of PS. Case No.-2 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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DINESH PRASAD GUPTA Son of Ramchandra Sao Resident of Pokharpur,
P.S.- Giriyak, District- Nalanda- 803115.

... .. Petitioner/s

Versus

1. THE UNION OF INDIA India.
2. The Assistant Director, Directorate of Enforcement Govt. of India, 1st Floor,
Chandpura Palace, Bank Road, West Gandhi Maidan, Patna- 800001.
3. District Manager, Bihar State Food and Civil Supplies Corporation,
Nalanda. Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Mohan Mishra
For the Opposite Party/s	:	Mr.S.D.Sanjay(Adsg)
For the BFSC	:	Ms. Anukriti Jaipuriya, Adv.

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

2 07-12-2021 Learned counsel for the petitioner has submitted that he has filed anticipatory bail petition in Cr. Misc. No. 44378 of 2019 which was dismissed for default by this Court for non-compliance of the pre-emptory order.

He has mentioned in Paragraph-5 of the petition that petitioner is not responsible for the lapse nor the intention of the petitioner was mala fide.

Learned counsel for the petitioner had removed defects but the supplementary affidavit to this has not filed



which now is necessary due to judicial order. There is no intention of delay at all.

Learned APP for the State has opposed the prayer by submitting that this miscellaneous application for restoration has been filed after inordinate delay.

Considering the facts and circumstances, the order dated 18.7.2019 is set aside and the criminal miscellaneous No. 44378 of 2019 is restored to its original number at the cost of Rs. 5000/- payable to the Bihar State Legal Services Authority.

With these observations, this restoration petition is allowed.

(Nawneet Kumar Pandey , J)

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