

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28635 of 2019

Arising out of

CRIMINAL MISCELLANEOUS No. 45363 of 2014

Arising Out of PS Case No.-228 Year-2011 Thana- MUZFFARPUR COMPLAINT CASE

District- Muzaffarpur

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Aman Kumar, aged about 37 years, Gender-Male, Son of Parmanand Singh, Resident of Village- Nawada, PS- Pakridayal, District- East Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhuresh Kumar, aged about 40 years, Gender-Male, Son of Mohan Singh, Resident of Village- Sadbhavanagar, Nayatola, PS- Kazimohamadpur, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Aditya Narain Singh, Advocate with Mr. Ritesh Kumar Narain Singh, Advocate
For the State	:	Dr. Kumar Uday Pratap, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 08-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Aditya Narain Singh along with Mr. Ritesh Kumar Narain Singh, learned counsel for the petitioner and Dr. Kumar Uday Pratap, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner has moved the Court seeking recall of order dated 09.04.2019 by which Cr. Misc. No. 45363 of 2014, was dismissed as it was not pressed by learned counsel for the petitioner.



4. Learned counsel for the petitioner submitted that though the Court has recorded that twice earlier in the case time had been granted, it was the duty of learned counsel to be present in the said case and if at all required, adjournment should have been taken in the other case, for the reason that twice time had been granted due to non-appearance of learned counsel for the petitioner, there was fault on his part and prayed that he may be excused one time and that such position shall not be repeated in future.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, only in the larger interest of justice, the Court is interfering in the matter.

6. Accordingly, the application is allowed.

7. Order dated 09.04.2019 passed in Cr. Misc. No. 45363 of 2014, is recalled and the said case stands restored to its original file and number.

(Ahsanuddin Amanullah, J.)

P. Kumar

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