

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9950 of 2021

In
Criminal Writ Jurisdiction Case No.105 of 2020

Arising Out of PS. Case No.-460 Year-2019 Thana- MAHUA District- Vaishali

Devendra Paswan S/o Anandi Paswan R/o village- Fular, P.S.- Mahua,
District- Hajipur at Hajipur

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police, Bihar, Patna Bihar
2. The Senior Superintendent of Police, Hajipur at Vaishali, Bihar Bihar
3. The S.D.O., East, Hajipur at Vaishali, Bihar Bihar
4. The Dy. S.P., East, hajipur at Vaishali, Bihar Bihar
5. The Police Inspector, Mahua Police Station, hajipur at Vaishali, Bihar Bihar
6. The Officer-in-Charge/Station House Officer, Mahua Police Station, Hajipur at Vaishali, Bihar Bihar
7. Shiva Devi W/o Dashrath Shah R/o village- Kathara, P.S.- Kathara (OP), Hajipur at Vaishali, Bihar
8. Deepak Kumar Shah S/o Ramiqbal Shah R/o village- Mahamadabad Alawalpur, P.S.- Sarai, District- Vaishali, Bihar
9. Priya Rani W/o Rahul Kumar, D/o Dashrath Shah Presently R/o village- Kathara, P.S.- Goraul Kathara (O.P.), District- Vaishali, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Nandan, Adv.
For the Opposite Party/s : Mr.Uday Pratap Singh, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 24-03-2021 The present petition has been filed for restoring a

petition bearing Cr. W.J.C. No. 105 of 2020, which has stood

dismissed on account of non-compliance of the peremptory

order dated 31.01.2020, whereby and where-under the petitioner



was directed to file requisites within a period of two weeks for the purposes of issuance of notice, both by ordinary process as well as registered cover with A/D, to the respondents No. 7,8 and 9.

The learned counsel for the petitioner has submitted that after the aforesaid petition bearing Cr. W.J.C. No. 105 of 2020 was dismissed for default, the present counsel for the petitioner had received the brief of the aforesaid case, alongwith a “No Objection Certificate” from the previous counsel, on 02.07.2020 and only then the Vakalatnama has been filed by the present counsel, whereafter, the requisites for issuance of notice, as aforesaid, has been filed in the registry of this Court on 08.07.2020, hence, under such circumstances, there is no deliberate laches on the part of the petitioner and only on account of the aforesaid unavoidable and unforeseen circumstances, the requisites for notices could not be filed within time, therefore, the aforesaid Cr. W.J.C. No. 105 of 2020 be restored to its original file.

The learned counsel for the respondent State, Shri Uday Pratap Singh, submits that he has got no objection, in case the aforesaid Cr. W.J.C. No. 105 of 2020 is restored to its original file.



We have heard the learned counsel for the parties and perused the materials available on record.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, we deem it fit and proper to direct for restoration of the aforesaid Cr. W.J.C. No. 105 of 2020 to its original file, subject to verification by the registry as to whether the order passed by us in the aforesaid Cr. W.J.C. No. 105 of 2020 dated 31.01.2020 has been complied with or not ?

It is needless to state that the matter be listed before the regular Bench in seisin of the subject matter of the present case.

The present petition stands allowed to the aforesaid extent.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

Tiwary/-

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