

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.4780 of 2020**

In

CRIMINAL MISCELLANEOUS No.73903 of 2019

Arising Out of PS. Case No.-137 Year-2013 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Chinta Devi @ Chanda Devi W/O Ashok Prasad Resident Of Village-Purnahiya, P.S.- Ghorasahan, District- East Champaran.
 2. Mishrilal Sah @ Mishrilal Das Son Of Late Amiri Das Resident Of Village-Purnahiya, P.S.- Ghorasahan, District- East Champaran.
 3. Bharat Prasad @ Bharat Sah Son Of Rameshwar Prasad Resident Of Village- Ghorasahan, P.S.- Ghorasahan, District- East Champaran.

... .. Petitioners

Versus

1. The State of Bihar
2. Prabhu Narain Prasad Son Of Late Jai Mangal Prasad Resident Of Village-Purnahiya, Kothi, P.S.- Ghorasahan, District- East Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 19-01-2022 It appears that there has been some confusion in recording the progress of the Cr. Misc. No. 4780 of 2020 and Cr. Misc. No. 13735 of 2021.

By the order dated 05.02.2020 passed in Cr. Misc. No. 4780 of 2020, this Court restored the Cr. Misc. No. 73903 of 2019 subject to the compliance of the order dated 28.11.2019 which was a pre-emptory order passed in the said case within two weeks. Since the prayer made in the restoration application being Cr. Misc. No. 4780 of 2020 was allowed, this application was required to be treated as disposed of but it has been showing pending.

Similarly, in Cr. Misc. No. 13735 of 2021, this Court vide



order dated 28.07.2021 observed as under:-

“..For the reasons stated in Paragraph-8 of the present petition the delay in service of the supplementary affidavit by two days and filing of the copy of the receipt by nine days are hereby condoned.

Let the Criminal Miscellaneous No. 4780 of 2020 be restored in its original file.”

Here it seems that Cr. Misc. No. 13735 of 2021 was filed by learned counsel for the petitioner for restoration of Cr. Misc. No. 4780 of 2020 showing that the same stood dismissed for default on 19.12.2020 for non-compliance of the order dated 05.02.2020. This application was also allowed but it seems that in the last line there was no need to record Cr. Misc. No. 4780 of 2020 rather the ultimate effect of these orders were to restore Cr. Misc. No. 73903 of 2019.

With these words, this Court directs that let Cr. Misc. No. 4780 of 2020 and Cr. Misc. No. 13735 of 2021 be taken to have been disposed of. Cr. Misc. No. 73903 of 2019 stands restored by virtue of the previous orders of this Court as indicated hereinabove.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

