

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20479 of 2023**

**In**

**SPECIAL LEAVE APPLICATION No.20 of 2019**

Arising Out of PS. Case No.-2912 Year-2008 Thana- PATNA COMPLAINT CASE District-  
Patna

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RAHUL MUZAFFARPURI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Syed Ashfaque Ahmad

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      12-07-2023                      It is submitted by the counsel for petitioner that vide order dated 18.07.2019, four weeks time was granted peremptory to remove the defects. The defects were removed within the stipulated time however, since the case was not taken up for sufficient time, an inquiry was made in the month of February, 2020 and it transpired that despite removal of all the defects, the case had been dismissed due to non-compliance of the peremptory order, as copy of limitation petition was not served upon learned APP. It is submitted that a statement was made to this effect that the learned APP could not be contacted for service of notice and there was no positive order to serve the copy of petition to learned APP.

In view of the aforesaid fact, SLA No. 20 of 2019 be restored to its original file. Accordingly, the restoration petition is allowed.

**(Prabhat Kumar Singh, J)**

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