

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73433 of 2024

In
CRIMINAL MISCELLANEOUS No.25869 of 2024

Arising Out of PS. Case No.-233 Year-2022 Thana- ARA NAWADA District- Bhojpur

Dhindha Mushar @ Lalmuha S/o Daroga Mushar R/o vill - Ratanpur, P.S. -
Ayer, Distt.- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Tuntun Kumar, Son of Subhash Mushar, Resident of Village Anaitha Godhna Road, P.S. Ara (Nawada), Dist. Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor, representing the State.

2. The present application has been filed for restoration of Cr. Misc. No. 25869 of 2024 in which peremptory order dated 05.04.2024 was passed by this Court for issuance of notice upon the Opposite Party No.2 but, due to non-compliance of the same within the prescribed time as fixed by this Court, the same stood rejected.

3. Learned counsel for the petitioner submits that due to mistake on the part of the Advocate Clerk, the requisite for notice upon the Opposite Party No.2 could not be filed within time as prescribed by this Court and, therefore, Cr. Misc. No.



25869 of 2024 got rejected for non-compliance of the aforesaid order dated 05.04.2024. He further submits that the notice had been filed on 30.08.2024 by registered post with A/D as well as ordinary process.

4. For the reasons stated in this application, the prayer made therein is allowed and, as a result, the Cr. Misc. No. 25869 of 2024 is restored to its original file.

5. The petition stands allowed.

(Rudra Prakash Mishra, J)

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