

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57809 of 2022**

Arising Out of PS. Case No.-18 Year-2019 Thana- MAHILA THANA District- Begusarai

RAJESH RAY @ RAJESHWAR RAY Son of Late Bhuneshwar Ray Resident  
of village - Bhagwanpur, P.S- Lakho, (Bahdarpur O.P) District- Begusarai  
... .. Petitioner/s

Versus

1. The State of Bihar
2. Chhoti Devi D/O Sonelal Mahto Resident of village- Damodarpur, P.S-  
Bhagwanpur, District- Begusarai  
... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate  
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      01-03-2024                      1. Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2. Learned counsel submits that by order dated  
21.12.2022, notices were issued on the opposite party no. 2. It is  
further submitted that the order was peremptory as the notices  
had to be filed within four weeks, failing which the anticipatory  
bail application would have been rejected without further  
reference to the Bench. It is next submitted that the notices  
could not be filed in time on which the learned A.P.P. submits  
that since the order was peremptory and the notices could not be  
filed in time, hence, the anticipatory bail application ought to  
have been dismissed for default but then it appears that the  
office inadvertently listed the case under the heading “Orders on



Office Notes”.

3. At this stage, learned counsel for the petitioner submits that he has already filed a restoration application.

4. After hearing the learned counsel for the parties, the present anticipatory bail application for non-compliance of the peremptory order dated 21.12.2022 is thus dismissed for default and the petitioner would be at liberty to file a fresh restoration application.

**(Satyavrat Verma, J)**

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