

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68327 of 2025**

**In**  
**CRIMINAL MISCELLANEOUS No.51116 of 2025**

Arising Out of PS. Case No.-28 Year-2025 Thana- MAHILA P.S. District- Samastipur

Sita Devi W/O Upendra Mahto Resident of village- Madapur Chhapra, Ward  
No. 11, P.S- Pusa, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Kumari D/O Baleshwar Ram R/O Village- Madapur Chhapra, Ward  
No. 11, P.S- Pusa, Distt.- Samastipur.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Satish Kumar Sinha, Adv.  
For the Opposite Party/s : Mr.Surendra Kumar, APP

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

ORAL ORDER

2      19-09-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The present application has been filed by the petitioner for restoration of Cr. Misc. No. 51116 of 2025 in which peremptory order dated 11.08.2025 was passed by this Court for issuance of notice upon the O.P. No.2 but, due to non-compliance of the same within the prescribed time as fixed by this Court, the same stood rejected on 25.08.2025.

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 and, therefore, Cr. Misc. No. 51116 of 2025 got rejected for non-compliance of the aforesaid order dated 11.08.2025.

4. For the reasons stated in this restoration application and the submissions made in support thereof, the present application is allowed and, as a consequence, the Cr. Misc. No. 51116 of 2025 stands restored to its original file.

5. The petition stands allowed.

**(Rudra Prakash Mishra, J)**

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