

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12985 of 2026

In
CRIMINAL APPEAL (SJ) No.3676 of 2025

Arising Out of PS. Case No.-866 Year-2023 Thana- MASAUDHI District- Patna

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Niwas Kumar @ Funtush S/o- Ashirvadi Yadav @ Naresh Yadav @ Naresh Kumar RO Village- Thubhapar PS-Dhanarua District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shweta Kumari W/o- Kamlesh Kumar Paswan R/v- Kajichak, Lahsuna OP Ps- Masaurhi Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 25-02-2026 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. Appeal (SJ) No. 3676 of 2025 in which peremptory order dated 18-09-2025, 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 demise of appellant's counsel, the requisite for notice upon the Opposite Party No.2 could not be filed within time as



prescribed by this Court and, therefore, Cr. Appeal (SJ) No. 3676 of 2025 got rejected for non-compliance of the aforesaid order dated 18-09-2025.

4. For the reasons stated in this application, the prayer made therein is allowed and, as a result, the Cr. Appeal (SJ) No. 3676 of 2025 is restored to its original file.

5. The petition stands allowed.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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