

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27066 of 2026

In
CRIMINAL APPEAL (SJ) No.4392 of 2025

Arising Out of PS. Case No.-372 Year-2024 Thana- NAWADA MUFFASIL District- Nawada

Bhola Kumar S/O Tuntun Jamadar R/O Vill.- Niyamatpur, P.s.- Harnaut
(Chero), Dist.- Nalanda, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vyas Muni S/O Sanjay Manjhi Vill.- Krishna Nagar, Dedaur, P.S.- Mufassil,
Dist.- Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajoday Satyjeet, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, A.P.P.

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

ORAL ORDER

2 17-04-2026 Heard learned counsel for the petitioner and Mr.
Choubey Jawahar, learned Additional Public Prosecutor,
representing the State.

2. The present application has been filed for
restoration of Criminal Appeal (SJ) No. 4392 of 2025 in which
peremptory order dated 05.02.2026, was passed by this Court
for issuance of notice upon the Respondent No.2 and 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 Respondent No.2 could not be filed within time



as prescribed by this Court and, therefore, Cr. Appeal (SJ) No. 4392 of 2025 got rejected for non-compliance of the aforesaid order dated 05.02.2026.

4. For the reasons stated in this application and the submission made in support thereof, the prayer made therein is allowed and, as a result, the Cr. Appeal (SJ) No. 4392 of 2025, is restored to its original file.

5. The petition stands allowed.

(Rudra Prakash Mishra, J)

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