

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27047 of 2019
Arising out of
CRIMINAL MISCELLANEOUS No. 48473 of 2014

Arising Out of PS. Case No.-181 Year-2012 Thana- SAHAYAK NAGAR District- Katihar

1. Kaushar Alam @ Md. Kaushar @ Md. Kaushar Alam, Male aged about 45 years, Son of Abdul Rashid.
2. Md. Iliyas, Male, aged about 42 years, Son of Muzaffar Ali, Both Resident of Village - Durgapur, PS- Barari, District- Katihar.
3. Md. Rezaul @ Md. Rizaul, Male aged about 44 years, Son of Late Abdul Mannan, Resident of Village - Bani Kol, PS- Barari, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Naresh Jha, Son of Late Yadunath Jha, Resident of Mohalla - Lal Kothi Road, PS- Town Katihar, District - Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jibendra Mishra, Advocate
For the State	:	Ms. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 08-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Jibendra Mishra, learned counsel for the petitioners and Ms. Pushpa Sinha, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners have moved the Court for recall of order dated 05.03.2019 by which Cr. Misc. No. 48473 of 2014, was dismissed due to non-appearance of learned counsel for the petitioners.



4. Learned counsel for the petitioners submitted that on 05.03.2019, on personal ground, he had to leave the Court and had requested his colleague to pray for adjournment but unfortunately, the same could not be done resulting in dismissal of the case.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that sufficient cause has been shown by learned counsel for the petitioners for not having appeared before the Court on 05.03.2019 leading to dismissal of Cr. Misc. No. 48473 of 2014.

6. In view thereof, the application is allowed.

7. The order dated 05.03.2019, passed in Cr. Misc. No. 48473 of 2014, is recalled and the said case stands restored to its original file and number.

(Ahsanuddin Amanullah, J.)

P. Kumar

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