

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 39044 of 2019

Arising out of
CRIMINAL MISCELLANEOUS No. 7665 of 2015

Arising Out of PS Case No.-93 Year-2012 Thana- SC/ST District- Khagaria

Prithivi Chandra Paswan, Male, aged about 60 years, Son of Late Binod Paswan, Resident of Village - Parmanandpur, PS- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Poddar, Son of Basudeo Poddar, Resident of Village - Parmanandpur, PS- Muffasil, District- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate
For the State : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 02-02-2021

Heard Mr. Anil Kumar Choudhary, learned counsel for the petitioner and Mr. Uday Pratap Singh, learned APP for the State.

2. The present application has been filed for recall of the order dated 02.05.2019 passed in Cr. Misc. No. 7665 of 2015 which was dismissed for non-appearance of learned counsel for the petitioner.

3. Learned counsel for the petitioner submitted that on 02.05.2019, as he has gone to hospital for treatment of his fractured hand. It was submitted that he has asked his colleague to



appear in the matter but unfortunately, he could not appear leading to dismissal of the case.

4. 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 for non-appearance of learned counsel for the petitioner on 02.05.2019, leading to dismissal of Cr. Misc. No. 7665 of 2015.

5. In view thereof, the application is allowed. The order dated 02.05.2019 passed in Cr. Misc. No. 7665 of 2015 is recalled and the case stands restored to its original file and number.

(Ahsanuddin Amanullah, J.)

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