

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66961 of 2022

In
CRIMINAL MISCELLANEOUS No.5725 of 2022

Arising Out of PS. Case No.-261 Year-2021 Thana- KOILWAR District- Bhojpur

Chhotu @ Shamshad Alam

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-12-2022

Heard learned counsels for the parties.

The instant petition has been filed for restoration of Cr. Misc. No. 5725 of 2022 which was dismissed due to non prosecution. It is submitted by learned counsel Mr.Arbind Kumar Singh, appearing for the petitioner that on 22.06.2022 when the petitioner's case was dismissed, petitioner's counsel could not appear in the court on account of suffering from fever and there was no intentional default or negligence on the part of the petitioner's counsel in attending the petitioner's case Cr. Misc. No. 5725 of 2022.

Learned APP Mr.Nirmal Kumar Sinha, has opposed the petitioner's prayer.

Having considered the above submissions as well as



other facts mentioned in the petition, in the opinion of this Court the petitioner deserves to the relief as sought for. Accordingly, the instant petition stands allowed and the order dated 22.06.2022 is hereby recalled and the Cr. Misc. No. 5725 of 2022 is directed to be restored to its original position in original file.

(Shailendra Singh, J.)

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