

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17010 of 2023

In
CRIMINAL APPEAL (SJ) No.503 of 2022

Arising Out of PS. Case No.-139 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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CHULBUL @ ARBAZ Son Of Late Chand Miya Resident Of Marwari
Mohalla P.S. Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar No. 3 APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-03-2023 Heard learned counsel for the parties.

The instant criminal miscellaneous petition has been filed with a prayer to restore Cr. APP (SJ)-503 of 2022 and recall the order dated 06.02.2023 by which the privilege of bail of the appellant was vacated due to non-prosecution.

It is submitted by learned counsel for the petitioner{appellant of Cr. APP (SJ)-503 of 2022} that the appellant's appeal Cr. APP (SJ)-503 of 2022 was dismissed on 06.02.2023 by this Court on account of non-prosecution and on that date the petitioner/appellant could not appear in his case in which there was no intentional laches on his part and on account of that order the petitioner/appellant has suffered a lot.



In view of the above-mentioned submissions as well as considering the averments made in the instant petition, the order dated 06.02.2023 passed in Cr. APP (SJ)-503 of 2022 is hereby recalled and the appellant's appeal i.e Cr. APP (SJ)-503 of 2022 is directed to be restored in its original position. Accordingly, the instant criminal miscellaneous petition stands allowed.

(Shailendra Singh, J.)

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