

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80390 of 2023

In
CRIMINAL MISCELLANEOUS No.11264 of 2016

Arising Out of PS. Case No.-825 Year-2004 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Ajaz Hussain Son of Id Mohammad R/o vill - Andaz, P.S. - Andar, Distt. -
Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mahamddin Mia Son of Late Karun Mia R/o vill and P.S. - Andar, Distt. -
Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Nath Mishra, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 08-12-2023 1. Heard the learned counsel for the petitioner and the
learned APP for the State.
2. The present petition has been filed for restoration
of a petition bearing Cr. Misc. No.11264 of 2016, which has
stood dismissed on account of non-prosecution, vide order dated
13.09.2023.
3. The learned counsel for the petitioner has
submitted that since the counsel for the petitioner was engaged
in another Court, he could not appear when the case was called
out for hearing, hence, the aforesaid petition was dismissed on
account of non- prosecution, thus a sympathetic view be taken



and the aforesaid petition be restored to its original file.

3. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also considering the averments made in the present petition, I deem it fit and appropriate to direct for restoration of the aforesaid petition bearing Cr. Misc. No.11264 of 2016 to its original file.

4. The present petition stands allowed.

(Mohit Kumar Shah, J)

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