

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68624 of 2023**

**In
CRIMINAL MISCELLANEOUS No.40711 of 2019**

Arising Out of PS. Case No.-3248 Year-2010 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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SATISH MOHAN PRASAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv

For the Opposite Party/s : Mr.Bharat Lal, Adv

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

4 09-02-2024 Heard learned counsel for the petitioner and counsel
for the State.

2. The present writ petition has been filed for restoration of Cr. Misc. No. 40711 of 2019 to its original file which was dismissed due to non prosecution on 16.11.2022.

3. Counsel submits that due to illness of council, the counsel on record could not appear either on 09.11.2022 or 16.11.2022 and this case was dismissed due to non-prosecution.

4. Counsel submits that the then counsel on record was suffering from Dylasis and he is patient of chronic kidney disease, therefore, this case may be taken into consideration.

5. Counsel for the State submits that this case was earlier dismissed and subsequently restored. It appears that the



petitioners are habitual defaulter.

6. In the light of the submission made, let the Cr. Misc Application is allowed and Cr. Misc. No. 40711/2019 is restored to its original file subject to payment of Rs. 2,000/- in Patna High Court Legal Service Committee.

(Dr. Anshuman, J)

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