

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69970 of 2023

In
CRIMINAL APPEAL (DB) No.422 of 2023

Arising Out of PS. Case No.-212 Year-2016 Thana- PANDAUL District- Madhubani

MIRA DEVI @ MEERA DEVI WIFE OF LATE UPENDRA JHA
RESIDENT OF VILLAGE - ISHAHPUR,, P.S. - PANDAUL, DISTRICT -
MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Chandra Bhushan Jha Son Of Late Rameshwar Jha Resident Of Village –
Ishahpur, P.S. - Pandaul, District - Madhubani
3. Sahindra Jha @ Surendra Jha Son Of Late Rameshwar Jha Resident Of
Village - Ishahpur,, P.S. - Pandaul, District - Madhubani
4. Prakash Thakur Son Of Late Rajendra Thakur Resident Of Village - Sisba,
P.S. - Pandaul, District - Madhubani
5. Mukesh Thakur Son Of Late Rajendra Thakur Resident Of Village - Sisba,
P.S. - Pandaul, District - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Jha, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 19-04-2024 The present petition has been filed for restoration of

an appeal bearing Cr. Appeal (DB) No. 422 of 2023, which has

stood dismissed for default on account of non-appearance of the

learned counsel for the appellant, by an order dated 03.08.2023.

2. The learned counsel for the appellant has submitted

that the nephew of the counsel for the appellant was admitted in



hospital on account of critical illness, hence, the counsel had gone to the hospital and in the meantime, entrusted the task of appearing before this Court to his colleague but unfortunately, the said counsel could not appear before the Hon’ble Court, when the aforesaid appeal was called out for hearing, resulting in dismissal of the aforesaid appeal for default, thus, a sympathetic view be taken and the aforesaid appeal be restored to its original file.

3. Having regard to the facts and circumstances of the case, considering the averments made in the present petition and taking into account the submissions made by the learned counsel for the appellant, we deem it fit and proper to restore the aforesaid appeal bearing Cr. Appeal (DB) No. 422 of 2023 to its original file.

4. The petition stands allowed.

(Mohit Kumar Shah, J)

(Nawneet Kumar Pandey, J)

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