

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.292 of 2025

In
CRIMINAL REVISION No.739 of 2018

Arising Out of PS. Case No.- Year-0 Thana- District- Buxar

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1. Asha Devi, wife of Anil Chouadhary, Daughter of Rajendra Prasad Singh, Resident of Village- Sirisian, P.S-Karagahar. Dist.- Rohtas. At Present Residing at village-Itarhi, P.S- Itarhi, Dist.-Buxar, Bihar
 2. Baby Shital Daughter of Anil Chouadhary Resident of Village-Sirisian, PS-Karagahar, Dist-Rohtas, Represented through her mother Asha Devi, Wife of Anil Chouadhary as Natural Guardian

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Chouadhary Son of Bhrigu Nath Chouadhry, Resident of Village-Sirisian, P.S-Karagahar, Dist- Rohtas,. At present working as constable Boarder Security Force, Presently posted in 71 Battallion, SSB, Motihari, Motihari 26 B Battallion having its head quarter at commandant office, 26 Battallion, Ranchi Camp At Angara Police Station, P.S.- Angara, Dist.- Ranchi, Jharkhand

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sunil Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 04-04-2025 This is an application under Section 5 of the Limitation Act filed by the petitioners praying for condonation of delay in filing the application for restoration by 9 months.

2. The application is taken up for hearing in presence of the learned Advocates for the parties.

3. I have heard learned counsels for the parties. On perusals of the application under Section 5 of the Limitation Act, this Court finds that the learned counsel for the petitioners



has been able to establish sufficient ground as to why he was prevented from conducting the case on the date when the matter was dismissed for default.

4. Considering the submission made by the learned Advocate for the petitioners as well as the grounds mentioned in the application, I am inclined to allow the application under Section 5 of the Limitation Act.

5. Accordingly, the application under Section 5 of the Limitation Act is allowed.

6. The application for restoration of Cr. Revision No. 739 of 2018 is taken up for hearing. It is stated in paragraph 5 of the petitioners that on 18th March 2024, when the revisional application was fixed for hearing, the learned counsels for the petitioners cannot come to the Court due to personal problem in his family and another Advocate on behalf of the petitioners had fallen ill.

7. Since, the averments is made on affidavit, stating the personal difficulty and illness of the learned Advocate, this Court accepts the ground for restoration.

8. Therefore, the instant application for restoration is allowed and accordingly, Cr. Revision No. 739 of 2018 is restored to its original file and number. Since, the revision is



pending from 2018, the matter be listed on 18th April 2024 specially for hearing of the revision. Let the opposite parties be notified about the same.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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