

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30682 of 2025

In
CRIMINAL REVISION No.656 of 2018

Arising Out of PS. Case No.-202 Year-2006 Thana- MASAUDHI District- Patna

Durga Prasad S/O Late Nathuni Prasad Residents of Village - Gopalpur Math,
PS - Masaurhi, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bheem Yadav son of Kamla Prasad Residents of Village - Gopalpur Math,
PO- Nadaul, PS - Masaurhi, District- Patna- 804 454
3. Satyender Yadav son of Mohit Yadav Residents of Village - Gopalpur Math,
PO- Nadaul, PS - Masaurhi, District- Patna- 804 454
4. Naresh Yadav son of late Yadu Yadav Residents of Village - Gopalpur Math,
PO- Nadaul, PS - Masaurhi, District- Patna- 804 454
5. Nagendra Yadav son of Mohit Yadav Residents of Village - Gopalpur Math,
PO- Nadaul, PS - Masaurhi, District- Patna- 804 454
6. Devendra Yadav son of Mohit Yadav Residents of Village - Gopalpur Math,
PO- Nadaul, PS - Masaurhi, District- Patna- 804 454
7. Chandrama Yadav son of Mohit Yadav Residents of Village - Gopalpur
Math, PO- Nadaul, PS - Masaurhi, District- Patna- 804454
8. Mithilesh Yadav son of Naresh Yadav Residents of Village - Gopalpur Math,
PO- Nadaul, PS - Masaurhi, District- Patna- 804454
9. Surendra Yadav son of Kamla Yadav Residents of Village - Gopalpur Math,
PO- Nadaul, PS - Masaurhi, District- Patna- 804454
10. Mahendra Yadav son of Kamla Yadav Residents of Village - Gopalpur Math,
PO- Nadaul, PS - Masaurhi, District- Patna- 804454
11. Manoj Yadav S/O Chandrama Yadav Residents of Village - Gopalpur Math,
PO- Nadaul, PS - Masaurhi, District- Patna- 804454
12. Mohit Yadav son of Rohan Yadav Residents of Village - Gopalpur Math,
PO- Nadaul, PS - Masaurhi, District- Patna- 804454

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 02-04-2026 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.



2. The petitioners seek restoration of Cr. Rev. No.656/2018 which stood dismissed for non-prosecution *vide* order dated 01.07.2024.

3. In the opinion of this Court, Section 403 of the BNSS provides as follows:

“403. Court not to alter judgment.

Save as otherwise provided by this Sanhita or by any other law for the time being in force, no Court, when it has signed its judgment or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error.”

4. The aforesaid provision, though placing a restriction on alteration or review of a final judgment, does not preclude restoration of a matter dismissed for non-prosecution, upon sufficient cause being shown, in order to secure the ends of justice as held by the Apex Court in the case of ***Vishnu Agarwal vs State Of U.P. & Anr*** passed in ***Criminal Appeal No(S). 1323 Of 2004***.

5. In view of the above information and pleadings made in the restoration application and the affidavit the Cr. Rev. No.656/2018 is restored to its original file.

6. The restoration application stands allowed.

(Purnendu Singh, J)

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