

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29089 of 2026

In
CRIMINAL APPEAL (SJ) No.4492 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- JALALPUR District- Saran

Bolu Kunwar @ Bholu Kumar @ Subindra Kunwar @ Subin Kumar S/O
Bhuneshwar Kunwar R/O Village- Bangra Nadi, P.S- Jalalpur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amit Paswan S/O Lalan Paswan R/O Village- Karn Kudariya, P.S-
Mashrakh, Dist.- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudarshan Kumar, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-05-2026 Heard learned counsel for the appellant and learned
APP for the State.

2. The instant application has been filed praying for
restoration of Cr. Appeal (SJ) no.4492 of 2025 which was
dismissed for non-prosecution by order dated 23.2.2026.

3. Learned counsel appearing for the appellant
submits that as a result of some misunderstanding between the
appellant and his counsel that statement was made by the
appellant's counsel that he had no instructions in the case and
was no longer appearing therein leading to the dismissal of the



appeal for want of prosecution.

4. The order dated 23.2.2026 dismissing Cr. Appeal (SJ) no.4492 of 2025 is reproduced herein below for ready reference:

“Learned counsel for the appellant, learned APP for the State and learned counsel for the informant are present.

2. Learned counsel for the appellant submits that the appellant has taken no objection and as such he no longer appears in the case.

3. As no one appears on behalf of the appellant, the appeal is dismissed for non-prosecution.”

5. In view of the categorical assertion by learned counsel for the appellant which was recorded in the order dated 23.2.2026, quoted herein above, it was not a case of the counsel not appearing in the case leading to its dismissal.

6. In view of the nature of order passed, in the opinion of the Court, this is not a case for restoration of Cr. Appeal (SJ) no.4492 of 2025.

7. However, it may be observed that the order dated 23.2.2026 passed in Cr. Appeal (SJ) no.4492 of 2025 will not come in way of the appellant in preferring a fresh appeal for



grant of bail in connection with Jalalpur P.S. Case no.117 of 2025.

8. The application stands disposed off with the above observations.

(Partha Sarthy, J)

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