

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39853 of 2026

In
CRIMINAL APPEAL (SJ) No.2119 of 2025

Arising Out of PS. Case No.-479 Year-2023 Thana- FATUA District- Patna

-
-
1. Mukesh Gupta @ Mukesh Prasad Son of Late Indra Gupta Prasad Resident of village- Sora Kothi, P.S- Fatuha, District- Patna.
 2. Uttam Gupta Son of Mukesh Gupta @ Mukesh Prasad Resident at village- Sora Kothi, P.S- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Wife of Dhiraj Kumar Resident of village- Sora Kothi, P.S- Fatuha, District- Patna (Informant)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Pratibha Gupta, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-06-2026 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. The learned counsel for the petitioners submits that Criminal Appeal (SJ) No. 2119 of 2025 was dismissed for non-prosecution by an order dated 17.06.2025, thereafter a restoration application being Criminal Miscellaneous No. 61373 of 2025 was filed, accordingly, Criminal Miscellaneous No. 61373 of 2025 was allowed by an order dated 10.09.2025 to restore Criminal Appeal (SJ) No. 2119 of 2025 to its original file.

3. It is next submitted that thereafter Criminal Appeal (SJ) No. 2119 of 2025 was taken up on 28.01.2026 and notices



were issued upon respondent no. 2 by both modes i.e. registered cover with A/D as well as ordinary post for which requisites etc. must be filed on or before 03.02.2026 failing which the appeal shall stand rejected without further reference to the Bench against all the respondents. It is submitted that in compliance of the order dated 28.01.2026 in Criminal Appeal (SJ) No. 2119 of 2025, the notices could not be filed by 03.02.2026, as such, Criminal Appeal (SJ) No. 2119 of 2025 again got dismissed for non-prosecution, it is submitted that thereafter the notices were filed though a little belatedly. It is further submitted that the instant restoration application has been filed seeking restoration of Criminal Appeal (SJ) No. 2119 of 2025.

4. In view of the grounds taken in the restoration application, Criminal Appeal (SJ) No. 2119 of 2025 is restored to its original file.

5. Accordingly, the restoration application is allowed.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

