

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81699 of 2025

In
CRIMINAL APPEAL (SJ) No.1233 of 2025

Arising Out of PS. Case No.-79 Year-2024 Thana- DEODHA District- Madhubani

Chandan Kumar @ Chandan Kumar Yadav Son of Visheshwar Yadav
Resident of village- Bela, P.S.-Jaynagar, District- Madhubani, Under the
guardianship of his father namely Visheshwar Yadav, aged about- 58 years,
son of Haridev Yadav, resident of village- Bela, Ward No. 05, Hajra Tola,
P.S.- Jaynagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 24-04-2026

I.A. No. 01/2026

This is an application under Section 5 of the
Limitation Act filed by the petitioner for condonation of delay in
filing the restoration application by 95 days.

2. The petition is taken up for hearing in presence of
the learned Advocate on behalf of the petitioner and the learned
Advocate on behalf of the State.

3. I have perused the application, specially paragraph
Nos.4 & 5 of the same, where the petitioner satisfactorily
explained the delay in filing the restoration application.

4. Cause shown appears to be sufficient and
accordingly, the I.A. No.01 of 2026 is allowed and delay is



condoned.

5. The above numbered criminal appeal was dismissed for default without giving an opportunity to the appellant of hearing and no criminal appeal can be dismissed without giving opportunity to the appellant for hearing, the instant application is allowed.

6. The application for restoration of Crl. Appeal (SJ) No.1233 of 2025 be taken up to its file.

7. The record be placed before the Competent Bench having roster.

(Bibek Chaudhuri, J)

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