[2026:JHHC:28340]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.745 of 2026

------

1. Kanhaiya Singh, aged about 24 years, son of Sugdeo Singh, resident of Village-Dahuwa Kothiya, P.O. and P.S. Mohanpur, District Deoghar, Jharkhand.

2. Rakesh Jha, aged about 44 years, son of Late Markhandey Jha, resident of Village-Dahuwa Kothiya, P.O. and P.S. Mohanpur, District Deoghar, Jharkhand

3. Satya Narayan Ghosh, aged about 74 years, son of Late Phagu Ghosh, resident of Village Chak Radhamohanpur, Samantapara, P.O. and P.S. Burdwan, District Burdwan, West Bengal, presently residing at Dhibarisar, P.O. and P.S. Mohanpur, District Deoghar

… Petitioner

Versus

1. The State of Jharkhand

2. Anil Kumar Das, son of Suchit Das, presently posted as Assistant in the office of Sub-Divisional Officer, Deoghar, P.O. and P.S. Deoghar, District Deoghar, Jharkhand ⋯ Opposite Parties

------

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Arvind Kr. Choudhary, Advocate
For the State : Mr. Manoj Kumar, GA III
For the O.P. No.2 : None

Order No:-04 Dated:-18-09-2026

Heard the parties.

Though notice has validly been served upon the opposite party No.2 yet no one turns up on behalf of the opposite party No.2 in spite of repeated calls.

This criminal miscellaneous petition has been filed by the petitioners with the prayer for restoration of Cr.M.P. No.2938 of 2021 its original file which stood dismissed for non-prosecution on 08.01.2026.

It is submitted by the learned counsel for the petitioners that Cr.M.P. No.2938 of 2021 stood dismissed for non-prosecution on 08.01.2026 by this Court. It is next submitted that as the counsel for the petitioners was ill and had gone for treatment, hence, no one appeared before this Court when the said Cr.M.P. No.2938 of 2021 was called out; resulting in dismissal of the said Cr.M.P. No.2938 of 2021 for non-prosecution. It is next submitted that non-prosecution before this Court on 08.01.2026 was neither deliberate nor intentional. It is also submitted that the petitioners have very good grounds to agitate in the said Cr.M.P. No.2938 of 2021 and unless the same is restored to its original file, the petitioners will be highly prejudiced. Hence, it is submitted that Cr.M.P. No.2938 of 2021 be restored to its original file.

Learned counsel appearing for the State has not raised any serious objection.

Considering the facts of this case and the aforesaid submission of the learned counsel for the petitioners, Cr.M.P. No.2938 of 2021 is directed to be restored to its original file at the same stage at which it was before its dismissal.

Registry is directed to list Cr.M.P. No.2938 of 2021 before the concerned Bench after a week.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Dated- 18.09.2026-Animesh/