[2026:JHHC:28342]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1430 of 2026

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1. Akhtar Hussain, aged about 48 years, son of Md. Islam, resident of H. No. 36, Cross Road No.2, Urdu School, Garib Nawaz Colony, P.O. & P.S.-Azadnagar, District-East Singhbhum, Jharkhand
2. Shamshad Yasmin, aged about 27 years, wife of Mohammad Israr Ahmad Ansari, resident of H. No. 24, Cross Road No.9, Bagansahi, P.O. & P.S.-Azadnagar, District-East Singhbhum, Jharkhand
3. Shahzada Hussain @ Sahjada Hussain, aged about 22 years, son of Akhtar Hussain, resident of H. No. 36, Cross Road No.2, Urdu School, Garib Nawaz Colony, P.O. & P.S.- Azadnagar, District-East Singhbhum, Jharkhand … Petitioners

Versus

1. The State of Jharkhand
2. Mohammad Ishtiyaque Ahmad, aged about 50 years, son of Late Mustaque Ahmad, resident of H. No. 24, Cross Road No.9, Road No. 7, Near Sabri Masjid, Bagansahi, P.O. & P.S.- Azadnagar, District-East Singhbhum … Opposite Parties

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CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Md. Zaid Imam, Advocate
For the State : Mr. Pankaj Kr. Mishra, Addl. P. P.
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.968 of 2024 its original file which stood dismissed for non-prosecution on 18.09.2025.

It is submitted by the learned counsel for the petitioners that Cr.M.P. No.968 of 2024 stood dismissed for non-prosecution on 18.09.2025 by this Court. It is next submitted that as the counsel for the petitioners was suffering from fever and due to severe adverse weather conditions, he had been advised bed rest, hence, no one appeared before this Court when the said Cr.M.P. No.968 of 2024 was called out resulting in dismissal of the said Cr.M.P. No.968 of 2024 for non-prosecution. It is next submitted that non-prosecution before this Court on 18.09.2025 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.968 of 2024 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.968 of 2024 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.968 of 2024 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.968 of 2024 before the concerned Bench after a week.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Dated- 18.09.2026-Animesh/