[2026:JHHC:32748]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2251 of 2026

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1. Srishty Kumari, aged about 26 years, Daughter of Himalaya Yadav and Wife of Arvind Kumar, Resident of Village Kurho Bindo, P.O.- Kurho Bindo, P.S.- Jamua, District- Giridih (Jharkhand)

2. Arvind Kumar, aged about 34 years, son of Yadunandan Yadav, Resident of Shaharpur, P.O.- Galagi, P.S.- Dumi, District- Giridih (Jharkhand).

Both are at presently Resident of Village- Vikash Nagar, Latma Road, P.O.- Hatia, P.S.- Jagarnathpur, District- Ranchi (Jharkhand)

… Petitioners

Versus

1. The State of Jharkhand

2. Matlub Ansari, Son of Late Jahuruddin Ansari, Resident of Village- Anjuman Mohalla, Ward No.15, Lohardaga, P.O. and P.S.- Lohardaga, District- Lohardaga (Jharkhand)

… Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Ms. Ganga Kri. Kachhap, Advocate
For the State : Mr. Pankaj Kr. Mishra, Addl. P.P.
For the O.P. No.2 : Mr. Sourav Singh, Advocate

Order No:-04 Dated:-06-11-2026

Heard the parties.

This criminal miscellaneous petition has been filed by the petitioners with the prayer for restoration of Cr.M.P. No.1773 of 2026 to its original file which stood dismissed for non-prosecution on 22.06.2026 by this Court.

It is submitted by the learned counsel for the petitioners that Cr.M.P. No.1773 of 2026 stood dismissed for non-prosecution on 22.06.2026 by this Court. It is next submitted that as the counsel for the petitioners could not mark the list, hence, no one appeared

before this Court when the said Cr.M.P. No.1773 of 2026 was called out resulting in dismissal of the said Cr.M.P. No.1773 of 2026 for non-prosecution. It is next submitted that non-prosecution before this Court on 22.06.2026 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.1773 of 2026 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.1773 of 2026 be restored to its original file.

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

Learned counsel for the opposite party No.2 vehemently opposes the prayer of the petitioners for restoration of the said Cr.M.P. No.1773 of 2026 and submits that the opposite party No.2 will unnecessarily be harassed if the same is restored to its original file, hence, the opposite party No.2 be compensated adequately.

Considering the aforesaid submission of the learned counsel for the petitioners, Cr.M.P. No.1773 of 2026 is directed to be restored to its original file at the same stage at which it was before its dismissal subject to payment of cost of Rs.5,000/- by the petitioners to the opposite party No.2 through his counsel appearing in the record within four weeks from the date of this order.

Registry is directed to list Cr.M.P. No.1773 of 2026 before the concerned Bench after four weeks only if the petitioners file the proof of payment of the cost of Rs.5,000/- to the opposite party No.2 though his counsel appearing in the record within four weeks from the date of this order failing which this conditional order shall not be given effect to and Cr.M.P. No.1773 of 2026 shall remain dismissed.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Dated-06.11.2026-Animesh/