IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2471 of 2026

Surendra Prasad Aged about 64 years, S/o Hari Prasad R/o 305, Ganpati Palace (Phase-II), Shukla Colony, Hinoo, P.O. P.S. Doranda Dist- Ranchi, Jharkhand 834002

… Petitioner

Versus

1. The State of Jharkhand
2. Shiv Kumar Bhardwaj, S/o Sri Binay Kumar Singh @ Babaji, R/o Near Kali Mandir Road, Bekarbandh, PO PS Dhanbad, Dist – Dhanbad, Jharkhand.

… Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Jeetendra Kr. Mishra, Advocate
For the State : Mr. Pankaj Kumar, P.P.
For the O.P. No.2 : None

Order No:-03 Dated:-30-10-2026

Heard the parties.

Though notice has been validly 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 petitioner with the prayer for restoration of Cr.M.P. No. 1313 of 2026 to its original file which stood dismissed for non-prosecution vide order dated 08.05.2026.

Learned counsel for the petitioner submits that Cr.M.P. No. 1313 of 2026 was dismissed for non-prosecution vide order dated 08.05.2026. It is next submitted that Cr.M.P. No. 1313 of 2026 was listed before this Bench on 08.05.2026 but no one turned up on behalf of the petitioner when Cr.M.P. No. 1313 of 2026 was called for hearing as due to sudden medical emergency in the house of the counsel, he left the Hon'ble Court and could not turn up when the said Cr.M.P. was called out; which resulted in dismissal for non-prosecution vide order dated 08.05.2026. It is further submitted that non-appearance of the learned counsel for the

petitioner was neither deliberate nor intentional. It is also submitted that the petitioner has very good grounds to agitate in the said Cr.M.P. No. 1313 of 2026 and unless the same is restored to its original file, the petitioner will be highly prejudiced. Hence, it is submitted that the Cr.M.P. No. 1313 of 2026 be restored to its original file.

Learned counsel for the State has not raised any serious objection to the prayer of the petitioner.

Considering the aforesaid submission of the learned counsel for the petitioner, Cr.M.P. No. 1313 of 2026 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. 1313 of 2026 before the appropriate Bench after a week.

This Criminal Miscellaneous Petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Dated:-30.10.2026
Saroj/