

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.20878 of 2015**

**In**  
**Criminal Miscellaneous No. 28426 of 2012**

=====

1. Suresh Ram S/o Late Ram Kumar Ram  
2. Ramesh Rajan S/o Late Ram Kumar Ram  
3. Renu Devi W/o Ramesh Ranjan All are Re/o Village- Sadipur,  
P.S.- khizarsarai, District- Gaya.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

3 16-12-2015

Heard the parties.

The present petition has been filed on behalf of the petitioners for restoration of Cr.Misc.No. 28426 of 2012, which stood dismissed for want of prosecution by order dated 10.12.2013.

The aforesaid Cr.Misc.No. 28426 of 2012 was filed on behalf of the petitioners against the order dated 06.10.2010, whereby cognizance was taken and the petitioners were summoned to face trial. After the aforesaid order dated 06.10.2010 more than five years have elapsed, but all the subsequent developments in the court below are not available on the record.

In above view of the matter, in stead of restoring the aforesaid Cr.Misc.No. 28426 of 2012, this Court is of the opinion that the interest of justice shall be subserved if the petitioners are granted liberty to file a fresh petition in the same subject matter, after bringing on record all the subsequent developments, which might have taken place during the interregnum period. It is

ordered accordingly.

If such a petition is filed on behalf of the petitioners with a certified copy of the present order, then the same shall be decided on its own merits without being prejudiced by dismissal of the aforesaid Cr.Misc.No. 28426 of 2012 by order dated 10.12.2013.

The present application stands finally disposed of with the observations and directions made above.

**(Birendra Prasad Verma, J)**

Tahir/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|