

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29124 of 2015

In

Criminal Miscellaneous No.44483 of 2012

- =====
1. Kartik Singh S/o Late Bijal Singh Resident of Village Icharua, Tola Morkahi, P.S. Alauli, District Khagaria.
 2. Tribhuban Singh @ Tribhuban Kumar Singh S/o Kartik Singh Resident of Village Icharua, Tola Morkahi, P.S. Alauli, District Khagaria.
 3. Trilochan Singh @ Trilochan Kumar Singh S/o Kartik Singh Resident of Village Icharua, Tola Morkahi, P.S. Alauli, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Satya narayan Mahto S/o Late Shiv nandan Mahto Resident of Village Morkahi Icharua, P.S. Alauli, District Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. S.D. Singh Yadav (APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 16-12-2015 Heard the parties.

The present application has been filed on behalf of the petitioners for restoration of Cr. Misc. No. 44483 of 2012 which stood dismissed by an order dated 19.05.2015.

The aforesaid Cr. Misc. No. 44483 of 2012 was filed on behalf of the petitioners against the order dated 27.08.2012 passed in Alauli P.S. Case No. 116 of 2012/ G.R. No. 1299 of 2012, whereby cognizance was taken against the petitioners and summons were issued against them for facing trial.

The learned counsel appearing on behalf of the petitioners has filed a supplementary affidavit bringing on record the order sheet of the aforesaid criminal case in the light of the earlier order passed by this Court. The learned Additional Public Prosecutor appearing on behalf of the State by looking into the aforesaid order sheet submits that there has been some progress in

the aforesaid criminal case and more than three years have already passed since the date of taking cognizance.

Taking into consideration the entire facts of the present case, the present application is disposed of with a liberty to the petitioners to file a fresh petition under Section 482 Cr. P.C. if charge is framed against them in the aforesaid criminal case.

If such a petition is filed on behalf of the petitioners, then the same shall be decided on its own merit without being prejudiced by dismissal of aforesaid Cr. Misc. No. 44483 of 2012 by the aforesaid order dated 19.05.2015.

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

(Birendra Prasad Verma, J)

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