

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13681 of 2015

In

Criminal Miscellaneous No.2055 of 2012

Arising Out of PS.Case No. -135 Year- 2010 Thana -BELHAR District- BANKA

=====

Umesh Sah, Son of Late Paro Sah, resident of village- Parasi, P.S.- Khaira,
District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. Malti Devi, wife of Umesh Sah, daughter of Govind Sah, resident of
village- Parasi, P.S.- Khaira, District- Jamui

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Achal Kumar Sinha

For the Opposite Party/s : Mr. Md.Mushtaque Alam, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 15-04-2015 Heard learned counsel appearing on behalf of the
petitioner and Mr. Md. Mushtaque Alam, learned Addl.P.P.
appearing on behalf of the State.

The present application has been filed for restoration of
Cr.Misc.No.2055 of 2012, which stood dismissed for want of
prosecution by an order dated 28.10.2013.

For the reasons disclosed in the present application, the
prayer for restoration is allowed. Cr.Misc.No.2055 of 2012 is
restored to its original file.

The present Cr.Misc.No.13681 of 2015 stands finally
disposed of.

Cr.Misc.No.2055 of 2012

The present application has been filed on behalf of the
petitioner under Section 482 Cr.P.C. assailing the validity and
correctness of the order dated 24.05.2010 passed in B.A.No.37 of

2009 by the learned Additional Sessions Judge-1st, Jamui, whereby the prayer for extension of provisional bail granted to the petitioner has been rejected for the reasons recorded in that order.

This Court is of the opinion that, if the prayer for extension of provisional bail of the petitioner was rejected, then he was required to surrender in the court below and he could have applied for regular bail on merits, but that has not been done in the present case. The application filed under Section 482 Cr.P.C. against the order dated 24.05.2010 appears to be completely misconceived and is hereby rejected.

However, if the petitioner surrenders in the court below and applies for regular bail afresh on merits, then the same shall be considered on its own merit, without being influenced or prejudiced by the rejection of the present application.

(Birendra Prasad Verma, J)

Arvind/-

U		T	
---	--	---	--