

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8661 of 2015

In
Criminal Miscellaneous No.10423 of 2014

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Shobit Kumar @ Shobhit Kumar, son of Shri Uma Shankar Prasad Kesri,
Resident of Mohalla- Chhoti Kalyani near, Syndicate Bank, P.S.- Town,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shiv Chandra Gupta, Son of Mahesh Prasad Gupta, Resident of
Mohalla- Chhoti Kalyani Sahu Road, P.S.- Town, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Mahtab Ahmad

For the Opposite Party/s : Mr. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 18-03-2015

Heard the parties.

The petitioner has filed the present application seeking restoration of the Cr.Misc.No.10423 of 2014, which was dismissed on account of non-compliance of the Court's order dated 19.04.2014. The aforesaid Cr.Misc.No.10423 of 2014 was filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in connection with Complaint Case No.791 of 2013 pending in the court of learned Chief Judicial Magistrate, Muzaffarpur.

In view of the nature of the reliefs sought for on behalf of the petitioner in Cr.Misc.No.10423 of 2014, this Court is of the opinion that, instead of restoring that application, interest of justice shall be sub-served, if the petitioner is granted liberty to file a fresh application under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in the aforesaid criminal case. It is ordered accordingly.

If such an application for grant of anticipatory bail is filed on behalf of the petitioner, then the same shall be heard and decided on its own merits, without being prejudiced/influenced by rejection of Cr.Misc.No.10423 of 2014.

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

(Birendra Prasad Verma, J)

Arvind/-

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