

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48491 of 2016

In

Criminal Miscellaneous No.5295 of 2016

=====

1. Rajeev Rai

2. Ranjeet Rai, Both Sons of Ramakant Rai, Resident of village- Pusa
Bharaw, P.S.- Pusa Bharauw, District- Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 23-11-2016

Heard.

The present application has been filed on behalf of the petitioners seeking restoration of Cr. Misc. No. 5295 of 2016, which stood dismissed for want of prosecution by an order dated 12.2.2016.

Cr. Misc. No. 5295 of 2016 was filed under Section 438 Cr. P.C. for grant of anticipatory bail in a criminal prosecution registered under Section 307 and some other allied offences under the Indian Penal Code.

Apparently, Cr. Misc. No. 5295 of 2016 was not decided on merits, rather it was dismissed for want of prosecution. After the aforesaid order dated 12.2.2016, there must have been substantial progress in the court below, but all the subsequent developments, which might have taken place in the court below, have not been brought on the record in the present application for restoration. Therefore, this Court is of the opinion that instead of

restoring the aforesaid Cr. Misc. No. 5295 of 2016 to its original file, the interest of justice shall be sub-served, if the petitioners are granted liberty to file a fresh anticipatory bail application in the same subject matter, after bringing on record all the subsequent developments, which have taken place in the court below during the interregnum period. It is ordered accordingly.

The present M.J.C. application stands finally disposed of with a liberty to the petitioners to file a fresh application for anticipatory bail in the manner indicated above.

(Birendra Prasad Verma, J)

BTiwary/-

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