

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21377 of 2016

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1. Puttul Rajak @ Bishwanath Rajak son of Resident of village and
Post Office- Kateyana, Police Station- Bihia, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rishikesh Ojha

For the Opposite Party/s : Mr. M.Rab(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH

ORAL ORDER

2 25-05-2016

The present application under section 482 of the

Code of Criminal Procedure, 1973 has been filed seeking
restoration of Criminal Misc. No. 19613 of 2014 which was
dismissed for default on 08.09.2014 due to non compliance of the
order dated 01.09.2014 passed by a Bench of this Court.

By the aforesaid Criminal Misc. No. 19613 of
2014 the petitioner had sought for grant of pre-arrest bail in
connection with Complaint Case No. 643-C of 2012. By order
dated 01.09.2014 the petitioner was directed to comply with the
previous order dated 05.08.2014 by which the petitioner was
directed to take steps for fresh service of notice upon opposite
party no. 2 (complainant). It is more than 18 months after the
dismissal of the application due to non-compliance of the order of

the Court dated 01.09.2014, the instant application for restoration has been filed under section 482 Cr.P.C.

In my view, there is absolutely no justification for the inordinate delay caused in filing of the present restoration application.

In that view of the matter, I do not find any reason to direct for restoration of Criminal Misc. No. 19613 of 2014 which has already been dismissed for default. Accordingly, this application for restoration is dismissed.

However, the petitioner would be at liberty to file another application under section 438 of the Code of Criminal Procedure, if he is so advised.

(Ashwani Kumar Singh, J)

Amin/-

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