

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27334 of 2016

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Santosh Ram son of late Bharat resident of village - Raghunathpur, Police Station - Turkaulia, District - East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Rajana Devi wife of Santosh Ram, daughter of Ramesh Ram resident of village - Kala Tola Sharma Tola, Police Station - Kotwa, District - East Champaran at Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Smt. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 15-03-2017

This matter has been listed in view of the minutes dated 07.03.2017 of Hon'ble the Acting Chief Justice.

The present application has been preferred for restoration of Cr. Misc. No. 48122 of 2014 which stood dismissed for non-compliance of order dated 03.12.2014 passed by a Bench of this Court (Akhilesh Chandra, J since retired).

Initially Cr. Misc. No. 21980 of 2014 was preferred with a prayer for anticipatory bail in Complaint Case No. C-2122 of 2012 wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code, pending in the court of learned Judicial Magistrate, Ist Class, Motihari, East Champaran.



A Bench of this Court vide order dated 02.08.2014 ordered for issuance of notice to the complainant and directed for not taking any coercive steps against the petitioner. Thereafter, fresh notices were directed to be issued vide order dated 08.10.2014 but the anticipatory bail application was dismissed for non-prosecution by a Bench of this Court (Akhilesh Chandra, J since retired) vide order dated 14.11.2014. Thereafter, Cr. Misc. No. 48122 of 2014 was preferred for restoration of Cr. Misc. No. 21980 of 2014. The said Cr. Misc. No. 21980 of 2014 was directed to be restored on deposit of Rs.500/- with Patna High Court Advocate's Association vide order dated 03.12.2014 passed by a Bench of this Court (Akhilesh Chandra, J since retired). The said amount was not deposited and the matter was listed when this Court vide order dated 30.03.2015 directed that Cr. Misc. No. 21980 of 2014 deemed to have not been restored in view of the non-deposit of Rs.500/- with the Patna High Court Advocate's Association.

Now the present restoration application has been preferred vide Cr. Misc. No. 27334 of 2016 stating therein that the petitioner has deposited Rs.500/- but he could not brought the receipt of the same on record.

In the circumstances, this Court does not find any reason to restore the earlier restoration application and



thereafter pass an order for restoration of the initial Cr. Misc. Application. Hence, the present restoration application is disposed of with liberty to the petitioner to prefer a fresh anticipatory bail application.

(Dinesh Kumar Singh, J)

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