

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4728 of 2019

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Dilip Ram @ Dilip Kumar, Aged about 45 years, Gender – Male, Son of Late Shishupal Ram, Resident of village – Shahar Rampur, P.S. - Naubatpur, District – Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Rajesh Kumar Singh

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 30-01-2019 Heard Sri Rajesh Kumar Singh, learned counsel for the petitioner.

The present petition was filed with a prayer to restore Cr. Misc. No. 71579 of 2018, which was filed for modification of the order dated 06.10.2018 passed in Cr. Misc. No. 53593 of 2018. By the said order anticipatory bail petition of the petitioner was allowed with an observation that in event of his arrest or surrender within a period of six weeks from the date of order petitioner may be released on bail. Though, normally I am not entertaining modification petition for extension of time, a modification petition was filed but on the date when modification petition was taken- up none appeared on behalf of the petitioner, and as such, modification petition i.e. Cr. Misc.



No. 71579 of 2018 stood dismissed due to non-prosecution. Now the present petition has been filed for restoration of the same petition. Fact remains that in a criminal case once an order is passed, there is no reason to recall or modify earlier order, rather it is barred under Section 362 of the Code of Criminal Procedure, 1973, and as such, no purpose would be served in allowing the present restoration petition. It stands dismissed.

(Rakesh Kumar, J)

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