

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32 of 2019

In
CRIMINAL MISCELLANEOUS No.42646 of 2018

Arising Out of PS. Case No.- Year-0 Thana- District-

=====

Seikh Anwar Son of Late Seikh Shamsul, Resident of Village-Nawtanwa,
Police Station-Shikarpur, District-West Champaran,

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr.Arbind Kumar Singh, Advocate

For the Opposite Party : Mr.Sri Sanjay Kumar Tiwary 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 07-08-2019

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for restoration of Cr. Misc. No. 42646 of 2018, which was dismissed for want of prosecution vide order dated 05.09.2018.

2. Learned counsel for the petitioner submitted that on 05.09.2018, when the matter was called out, neither the advocate on record appeared nor any other person on behalf of the advocate appeared before the court to pursue the matter as a result of which the application got dismissed. He submitted that the petitioner is an agriculturist. He being an illiterate person is not able to follow the proceedings of the court personally.



3. Be that as it may, the application filed on behalf of the petitioner for restoration of Cr. Misc. No. 42646 of 2018 is allowed.

4. Cr. Misc. No. 42646 of 2018 is restored to its original file.

Cr. Misc. No. 42646 of 2018

Seikh Anwar Son of Late Seikh Shamsul, Resident of Village-Nawtanwa,
Police Station-Shikarpur, District-West Champaran,

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Heard learned counsel for the petitioner.

2. This application has been filed by the petitioner for grant of pre-arrest bail in connection with Complaint Case No. 1405-C of 2016 in which cognizance has been taken for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. A similar application of the petitioner was rejected earlier by this Court vide order dated 19.12.2017 passed in Cr. Misc. No. 54975 of 2017 holding therein that the application under Section 438 of the Code of Criminal Procedure is not maintainable in view of the law laid down by this Court in **Salim Ansare @ Md. Salim Ansare and others vs. The State of Bihar & Another [2015(3) PLJR 806]**.



- 4. There is no changed circumstance in the case.
- 5. In that view of the matter, I see no reason to take a different view in the matter.
- 6. The application is dismissed.

(Ashwani Kumar Singh, J)

kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2019
Transmission Date	08.08.2019

