

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39983 of 2021

Arising Out of PS. Case No.-410 Year-2011 Thana- KOTWALI District- Patna

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1. Md. Naushad Ali, aged about 39 years, male.
 2. Md Juber Alam @ Jubair Alam @ Md Juber Alam, aged about 49 years, male.
Both are Son of Md. Yunus Ali, Both resident of Mohalla- Thakur Loharki Gali, Ward No.12, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sambhu Nath Mishra, aged about 49 years, (male), Son of Late Kanahiya Mishra Resident of Village- Karnamapur, P.S.- Sahpur, District- Bhojpur. Present address- H.No. 28, Shri Deepak Shrivastava Ka Makan Main, Hanuman Nagar, New Punnichak, Patna- 800023

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Adv.
For the Opposite Party/s : Mr. Jitendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-08-2021 Heard learned counsel for the petitioners and counsel for the State through video conference. Learned counsel for the petitioners has filed an undertaking that all the defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The petitioners have renewed their prayer for anticipatory bail in connection with Kotwali P.S. Case No. 40 of



2011 registered under Section 420, 406 & 34 of the Indian Penal Code, having earlier been dismissed for non-prosecution by order dated 09.12.2014 in Cr. Misc. No. 29146 of 2014.

3. At the very outset, this Court takes note that the First Information Report in the present case was instituted in the year 2011 and the petitioners' anticipatory bail application was dismissed for non-prosecution as far back as on 09.12.2014 (Annexure-1). A good six years later, the restoration application was filed which was also dismissed on 23.06.2021 (Annexure-2) as no satisfactory explanation was offered for such delay in approaching the Court for restoration. Now the present fresh application for anticipatory bail has been filed but, however, no immediate apprehension of arrest has been shown by the petitioners some ten years after institution of the F.I.R.

4. In such circumstances, this Court is not inclined to entertain the petition which is dismissed.

5. If the petitioners surrender and seek regular bail before the learned court below, the same shall be considered and disposed of on its own merit in accordance with law without being prejudiced by any observation in the present order.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made



by the petitioners within the stipulated time provided in para 1
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Vikash Jain, J)

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