

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19355 of 2023

In
CRIMINAL MISCELLANEOUS No.4804 of 2023

Arising Out of PS. Case No.-228 Year-2020 Thana- SINGHESHWAR District- Madhepura

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SUMAN DAS @ SUMAN KUMAR SON OF TUNTUN DAS @ TUNTUN
TANTI @ UPENDRA TANTI R/O VILL.- GAURIPUR WARD NO.6, P.S.-
SINGHESHWAR, DISTT.- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-04-2023 It is submitted by the learned counsel for the petitioner that during pendency of the anticipatory bail application bearing *Cr. Misc. No. 36718 of 2021*, the petitioner was taken in custody on 17.05.2022.

This circumstance gave rise to defect, as pointed out in regular bail application bearing *Cr. Misc. No. 4804 of 2023*, regarding pendency of anticipatory bail application.

Learned counsel for the petitioner submits that the anticipatory bail application was infructuous, and withdrawal of the same was nothing but a formality required as a pre-condition for consideration of a regular bail application. Since the anticipatory bail application had been filed by another counsel,



some delay occurred in withdrawing the same, which resulted in dismissal of the regular bail application, in default.

The said submissions are accepted as sufficient cause for restoration of the bail application.

Let *Cr. Misc. No. 4804 of 2023* be restored to its original file.

Restoration application is allowed.

(Madhuresh Prasad, J)

Sumit/Shashank-

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