

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29757 of 2024

In

CRIMINAL MISCELLANEOUS No.47142 of 2023

Arising Out of PS. Case No.-41 Year-2019 Thana- SHRI NAGAR District- Madhepura

Md. Kaiyum @ Abdul Kaiyum Son Of Late Naso @ Narso @
Nasiruddin Resident Of Village- Puraini, Ward No. 13, P.S.- Srinagar,
Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Prasoon, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S.
Azeem, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 15-04-2024 The above case is filed for restoration of Cr. Misc.

No. 47142 of 2023 on the ground that before the time
expired for curing defects, the Registry had carried out a
perfunctory dismissal of the Cr. Misc. Application
purportedly based on the peremptory order of this Court.

2. The Cr. Misc. Application itself was filed on
20.07.2023 and despite defects noticed they were not cured.
On 19.01.2024 when the matter came up before this Court,
three weeks' final time was granted to cure the defects. It
was also observed, considering the delay, that if the defects
were not cured within the time provided then the bail
application would stand dismissed without further reference



to the Bench.

3. Three weeks' time expires on 09.02.2024. The Registry endorsed on 04.03.2024 that since the defects were not cured, the application stood dismissed for default on 09.02.2024. Hence, the submission of the learned counsel that there was a perfunctory dismissal before the time granted expired cannot be countenanced. We also notice that the defects are not cured even now.

4. One of the defects noticed was that the name of the deponent and his father does not tally.

5. Name of the deponent and his father does not tally as seen from the affidavit and the I.D. proof. The affidavit indicates the deponent to be Md. Afroz, son of Md. Kaiyum while the I.D. proof, which is Aadhar Card issued, indicates it to be Mohammad Afroj Alam, son of Abdul Kaiyum. There were other defects also noticed by the Registry. The defects have not been cured till date. We find absolutely no reason to restore the bail application.

6. The Cr. Misc. application stands dismissed. This will not preclude the petitioner from again moving for bail, with a proper application, since the present one is rejected



without consideration on merits.

(K. Vinod Chandran, CJ)

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