

In
CRIMINAL MISCELLANEOUS No.48068 of 2021

Prabhash Kumar Son of Late Someshwar Lal R/O Vill.- Kahua, P.S.- Bahera, (Benipur), Dist.- Darbhanga. At Present Resident of Flat NO.- 613/B Lotus Apartment, Road NO.- 1F, New Patliputra Colony, P.S.- Patliputra, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhash Kumar, In-person
For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-12-2024 **1.** Heard petitioner (in-person) and learned A.P.P. for
the State.

2. The instant restoration has been filed for restoring Cr. Misc No. 48068 of 2021 to its original file, which stood dismissed for non-prosecution by an order dated 12-5-2022.

3. Cr. Misc No. 48068 of 2021 was filed with a prayer for setting aside the order dated 26-9-2019 passed by the learned Sub Divisional Judicial Magistrate, Patna in Shastrinagar P.S. FIR No. 253 of 2011 (G.R. Case No. 3693/2011) by which, in effect, the learned SDJM, Patna has set aside the order dated 29-7-2013 passed by Hon'ble Patna Court in Cr. Misc No. 12578 of 2012.

4. After perusing the prayer in Cr. Misc No. 48068 of 2021, the order dated 26-9-2019 passed by the learned SDJM,



Patna was perused and on perusal of the order dated 26-9-2019, it manifested that learned SDJM had cancelled the bail bonds of the petitioner on the ground that petitioner was not appearing in the court for presenting the defence witness, despite time being given to him on several occasions, further the petitioner was also imposed a fine for cross-examining the witness but the said fine was also not paid, as such, the bail bond of the petitioner was cancelled and non-bailable warrant of arrest was issued.

5. Cr. Misc No. 48068 of 2021 was dismissed for non-prosecution by an order dated 12-5-2022 and the petitioner at his leisure moved before this Court in the month of October, 2024 for getting Cr. Misc No. 48068 of 2021 restored to its original file, which amply demonstrates the conduct of the petitioner.

6. In view of the facts recorded hereinabove, the Court is not inclined to restore Cr. Misc No. 48068 of 2021 to its original file.

7. Accordingly, the instant restoration application is dismissed.

(Satyavrat Verma, J)

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