

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**Cr.M.P. No. 2353 of 2017**

Md. Afzal & Anr. ... .. Petitioners  
Versus  
The State of Jharkhand & Anr. ... .. Opp. Parties

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**CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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For the Petitioners : Mr. M.K. Sah, Advocate  
For the State : Addl. P.P.

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**Order No. 02: Dated 31<sup>st</sup> August, 2017**

Heard learned counsel for the parties.

This Criminal Miscellaneous Petition has been filed on behalf of the petitioners with a prayer to restore A.B.A. No. 4592 of 2017 to its original file. Learned counsel for the petitioners submits that vide order dated 08.08.2017 a peremptory order was passed by this Court in A.B.A. No. 4592 of 2017 directing issue of notice to O.P. No. 2 by both the process and the petitioner to file requisites within seven days, failing which this anticipatory bail application shall stand dismissed without further reference to the Bench.

But, the concerned Advocate Clerk got information that his mother is seriously ill and immediately rushed to his native village and ultimately his mother died on 13.08.2017 and because of the same the requisites could not be filed in time. It is further submitted that there is no willful laches on the part of the petitioner hence, he submitted that A.B.A. No. 4592 of 2017 be restored to its original file.

Learned Addl.P.P. opposed the prayer.

Considering the aforesaid facts and circumstances, I am inclined to allow the prayer for restoration of A.B.A. No. 4592 of 2017 to its original file.

List the A.B.A. No. 4592 of 2017 on 17.10.2017.

Requisites for issue of notice to O.P. No. 2 by both the process be file by the petitioner within a week, failing which A.B.A.

No. 4592 of 2017 shall stand dismissed without further reference to the Bench.

Keeping in view the fact that vide order dated 01.08.2017 an interim order of anticipatory bail was passed provisionally in A.B.A. No. 4592 of 2017 , I am inclined to pass an interim order of anticipatory bail to the petitioners provisionally till 17.11.2017. In case of the petitioners being arrested by the police on or before 17.11.2017 they shall be released on bail provisionally on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of like amount each to the satisfaction of the officer concerned in connection with PCR Case NO. 217 of 2016 (T.R. No. 1356 of 2017), subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, this Criminal Miscellaneous Petition is disposed of.

***(Anil Kumar Choudhary, J.)***

**MM**