

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15516 of 2016

In
Criminal Miscellaneous No.11696 of 2016

- =====
1. Puneet Mukhiya Son of Late Magani Mukhiya,
 2. Khublal Mukhiya, Son of Late Chharpan Mukhiya,
 3. Rekha Kumari Daughter of Puneet Mukhiya,
 4. Punkali Devi, Wife of Bhola Mukhiya,
 5. Ramawati Devi, Wife of Puneet Mukhiya, All are residents of village –
Kuarpur, P.S. - Pipra, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-04-2016 The present petition has been filed on behalf of the petitioners for restoration of Cr. Misc. No. 11696 of 2016, which stood dismissed for want of prosecution by an order dated 17.03.2016.

In the present petition it has nowhere been stated that after order dated 17.03.2016, the petitioners have not been apprehended by the police.

In above view of the matter, this Court is of the opinion that instead of restoring the aforesaid Cr. Misc. No. 11696 of 2016 to its original file, the interest of justice shall be sub-served if the petitioners are granted liberty to file a fresh anticipatory bail application under Section 438 Cr. P.C. in the same subject matter, provided they have not been apprehended by the police. It is ordered, accordingly.

It goes without saying that if fresh anticipatory bail

application is filed on behalf of the petitioners, then the same shall be considered and decided on its own merit without being prejudiced/ influenced by the order dated 17.03.2016 passed in Cr. Misc. No. 11696 of 2016.

With the aforesaid observations and directions, the present application stands finally disposed of.

(Birendra Prasad Verma, J)

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