

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36338 of 2016

Arising Out of PS.Case No. -153 Year- 2015 Thana -PAKARIBARAW District- NAWADA

1. Surendra Singh S/o Late Dasrath Singh
2. Himanshu Kumar son of Surendra Singh Both residents of Village -
Meghipur, P.S. - Pakriwarawan, District - Nawada.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioners : Mr. Devendra Prasad Singh, Advocate.

For the Opposite Party : Mr. Sri Ambika Bhagat (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 07-12-2016 Heard the learned counsel for the petitioners as well
as the learned APP for the State.

On behalf of the petitioners it is submitted that this
Criminal Miscellaneous is not maintainable and the remedy lies in
the appeal.

In the circumstances, in view of judgment of the
Division Bench passed in Cr. Misc. No. 25276 of 2016, the
learned counsel for the petitioners wants to withdraw this Criminal
Miscellaneous with a liberty to file Criminal Appeal.

Permission is granted and this Criminal Miscellaneous
is dismissed as withdrawn with a liberty to file Criminal Appeal
accordingly.

(Jitendra Mohan Sharma, J)

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