

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20134 of 2016

In

Criminal Miscellaneous No.13574 of 2016

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1. Harikesh Rai @ Harikesh Chaudhary @ Harkesh Chaudhary, Son of
Late Maharaja Chaudhary
2. Anil Yadav, Son of Late Babulal Yadav
3. Sunil Yadav, Son of Late Babaulal Yadav
All Resident of Village - Kakarkund, P.S. and District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Matloob Raja Son of Late Ali Sher Mian Resident of Village- Manjha
Garh, P.S. Dustrict- Gopalganj .

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani
For the Opposite Party no.1 : Mr. Dr. M.K.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 11-05-2016

Heard the parties.

The present application has been filed on behalf of the petitioners for restoration of Cr.Misc.No.13574 of 2016, which stood dismissed by an order dated 20.04.2016 for want of prosecution.

In the present application, it has not been stated that, after the aforesaid order dated 20.04.2016, the petitioners have not been apprehended by the police.

In that view of the matter, this Court is of the opinion that, instead of restoring the aforesaid Cr.Misc.No. 13574 of 2016 to its original file, the interest of justice shall be sub-served, if the petitioners are granted liberty to file a fresh application under Section 438 Cr.P.C. for grant of anticipatory bail in connection with the Complaint Case No.1418 of 2015, Trial No.680 of 2015 pending in the court of Sri Vivek Kumar Singh, learned Judicial

Magistrate, 1st Class, Gopalganj. It is ordered accordingly.

If such a fresh anticipatory bail application is filed on behalf of the petitioners, then the same shall be heard and decided on its own merits, without being prejudiced by the aforesaid order dated 20.04.2016 passed in Cr.Misc.No. 13574 of 2016, which stood dismissed for want of prosecution.

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

(Birendra Prasad Verma, J)

Arvind/-

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