

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5741 of 2017

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1. Guriya Khatoon Wife Md. Mainuddin,
2. Sahna Khatoon @ Chhotki daughter of Md. Mainuddin, Resident of
Village-Raghunath, P.S.-Majhauria, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 22-02-2017 Heard both sides.

This petition is filed for restoring Cr. Misc. No. 52975
of 2016, which was dismissed for non prosecution vide order
dated 18.01.2017.

The learned counsel for the petitioners submits that on
account of illness he could not appear on 18.01.2017 but from the
facts it appears that first anticipatory bail petition of petitioners
was dismissed for non prosecution on 02.07.2015. The petitioners
again filed anticipatory bail petition and the same was dismissed
as withdrawn on 10.11.2015. Third anticipatory bail petition of
petitioners was dismissed as withdrawn on 27.07.2016. On
18.01.2017 it was the fourth occasion on which the anticipatory
bail petition of petitioners was dismissed for non prosecution.



Considering the facts aforesaid, I do not feel inclined to restore Cr. Misc. No. 52975 of 2016 on the sole ground that earlier three times the anticipatory bail petition of petitioners was either dismissed for non prosecution or dismissed as withdrawn. Accordingly, the restoration petition is dismissed.

If so advised the petitioners may surrender in the court below, i.e. the learned Chief Judicial Magistrate, West Champaran at Bettiah in Majhaulia P.S. case No. 348 of 2013, and the learned court below shall consider the prayer for regular bail of the petitioners taking into account that husband and father-in-law of the deceased have already been granted regular bail.

(Prabhat Kumar Jha, J)

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