

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.14857 of 2018**

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Md. Anuar @ Md. Anwar & Ors

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Zainul Abedin

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR**  
**TRIVEDI**  
ORAL ORDER

2      28-03-2018                      Heard the learned counsel for the petitioners as well  
as learned Additional P.P.

At an earlier occasion Cr. Appeal (S.J.) No. 998/2017 was filed on behalf of the appellants/petitioners but, having no presence as prescribed under Chapter XII Rule 8 of the Patna High Court Rules, lastly vide order dated 17.05.2017, an opportunity was granted by way of peremptory order and on account of non-compliance thereof, Cr. Appeal (S.J.) 998/2017 met with ultimate result. Then thereafter, Cr. Misc. No. 37107/2017 had been filed, followed by Cr. Misc. No. 13322/2018 and for the present, it happens to be Cr. Misc. No. 14857/2018.

Learned counsel for the petitioners seeks withdrawal of Cr. Misc. No. 14857/2018 with a liberty that petitioners/appellants be allowed to file second Cr. Appeal against the judgment impugned and during said course, the period of



limitation may not be struck. Learned counsel for the petitioners also submitted that he is going to file appeal after two weeks.

Allowing the same with a further liberty that if the appeal is filed within two weeks, then in that circumstance, the office will not hitch over limitation, Cr. Misc. No. 14857/2018 is dismissed as withdrawn.

**(Aditya Kumar Trivedi, J.)**

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