

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35269 of 2017

Arising Out of PS. Case No.-817 Year-2016 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. Nandu Prasad, S/o Late Adalat Sah,
 2. Usa Devi W/o Nandu Prasad, Both R/o Amgola, P.S.- Kajipur, Mohammadpur.
 3. Ranjeet Kumar Yadav, S/o Ramchandra Yadav, R/o Village- Bhagwanpur, P.S.- Bochaha, Karnpur, District- Muzaffarpur,
 4. Ram Balak Sahani, Son of Ram Asis Sahani, R/o Village- Bhagwanpur, P.S.- Bochaha, district- Muzaffarpur.
 5. Deep Narayan Singh, S/o Saryug Singh, R/o Village- Karnpur, P.S.- Ahiapur, District- Muzaffarpur.
 6. Chandeshwar Sahani, S/o Siya Saran Sahani, R/o village- Muradpur, P.S.- Ahiapur, District- Muzaffarpur.
 7. Chunchun Devi W/o Vineshwar Sah, R/o Village- Muradpur, P.S.- Ahiapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad
For the Opposite Party/s : Mr. Smt. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 11-12-2018 Heard learned counsel for the parties.

Petitioners are apprehending arrest in connection with Town (Nagar) P.S. Case No. 817/16 for the offence under sections 406, 420, 467, 468, 471, 34 and 120 of the Indian Penal Code.

This application was filed on 26.7.2017. From the order sheet, it would manifest that petition was defective and time was granted to the petitioners to remove the defects. Despite indulgence granted by the court further time was



consumed by the petitioners for removing the defects.

On 23.8.2017, the Court granted further indulgence to the petitioners for removal of the defects pointed out by the office. On 31.10.2018, the case was adjourned for 2.11.2018.

Today supplementary affidavit is filed on behalf of the petitioners to justify the conduct of the petitioners in pursuing the present case. In the supplementary affidavit it has been mentioned that on 10.01.2017 criminal writ petition was filed for quashing the FIR. On 20.06.2017 anticipatory bail application was filed. On 11.07.2017 interlocutory application was heard and no coercive order was passed.

On 27.7.2017 time was granted to the petitioners by a coordinate bench of this Court to remove the defects. On 23.8.2017 the bail application was dismissed for non-prosecution. On 07.05.2018 the writ petition was dismissed by a coordinate bench with liberty to the petitioners to challenge the order taking cognizance at appropriate stage.

On 09.05.2018 petitioners filed restoration application and prayer for restoration was allowed on 11.7.2018.

In sum and substance, the petitioners were pursuing the two remedies one for by way of filing writ application and other for grant of anticipatory bail. After obtaining no coercive



steps he left pursuing anticipatory bail application and the same was dismissed and after dismissal of the criminal writ he filed petition for restoration of the application which was dismissed.

Considering the totality of the fact situation when the petitioners are practicing hide and seek, the Court is not inclined to grant any indulgence. Accordingly, the prayer for anticipatory is dismissed. However, dismissal of this application will not come in the way of the court below considering the case of the petitioners for grant of bail on its own merit.

In the event, the petitioners surrender before the court below and pray for regular bail, the court below is required to dispose of the same on the same date without being influenced by the dismissal of this application.

(Anil Kumar Upadhyay, J)

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