

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23290 of 2019

Arising Out of PS. Case No.-42 Year-2009 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Bhola Paswan, aged about 42 years (Male) Son of Bado Paswan Resident of
Mohalla- Daudbat (Sahjadpur), P.S.- Habibpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ahilya Devi, aged about 35 years (Female) Wife of Krishnadeo Narayan
Mishra R/o Mohalla - Bhiknapur Moti Mishra Lane, P.S. - Ishakchak,
District - Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Indeshwari Prasad Mandal
For the State	:	Mr. Md. Arif, APP
For the O.P. No.2	:	None

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH
ORAL JUDGMENT

Date : 16-07-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. Despite service of notice on the opposite party no. 2
and learned counsel also entering appearance and name of learned
counsel being printed in the cause list, nobody appeared when the
matter was taken up.

3. The petitioner apprehends arrest in connection with
Protest-cum-Complaint Case No. 1625 of 2016, arising out of



Ishakchak P.S. Case No. 42 of 2009, GR No. 2441 of 2009 dated 05.10.2009 instituted under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

4. The allegation against the petitioner is that he along with six others had entered into the house of the informant-complainant (opposite party no. 2) and had murdered her son.

5. Learned counsel for the petitioner submitted that in the FIR of the original Ishakchak PS Case No. 42 of 2009, the opposite party no. 2 had not mentioned any eye witness and had not assigned any overt act against the petitioner and had only stated that he was also involved. It was submitted that when the police submitted final form not sending the petitioner for trial, the opposite party n. 2 filed protest, which was treated as complaint on which cognizance has been taken and summons issued. It was submitted that in the protest-cum-complaint, a new story has been made out about the niece of the opposite party no. 2 having seen the petitioner also committing the offence.

6. Learned APP submitted that the Court had taken cognizance against the petitioner having found substance in the allegation.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the



provisional anticipatory bail granted to the petitioner by order dated 12.04.2019 stands confirmed.

8. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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