

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43221 of 2019

Arising Out of PS. Case No.-339 Year-2018 Thana- BARSOI District- Katihar

PRABHAT KIRAN BHASKAR Son of Haridaya Lal Resident of Ghagha Ghat Lane (Gulabi Ghat), P.S.- Sultanganj, P.O.- Mahendru, District- Patna- 800006

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kusum Kumari D/O- Pramod Kumar Chaudhary, Wife of Prabhat Kiran Bhaskar Resident of Prakhand Barsoi, P.S.- Barsoi, District- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tilak Sao
For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-07-2019 This application has been filed for transfer of Barsoi P.S. Case No. 339/18, G.R. No. 5516/18, filed under Sections 498A and other Sections of the Indian Penal Code as well as under Section 3 /4 of the Dowry Prohibition Act, from the Court of Additional Chief Judicial Magistrate -I, Katihar to any competent court at Patna for disposal of the case.

Ground taken by the petitioner is that in spite of production of the Court's order of interim protection during pendency of anticipatory bail application, he was arrested at the instance of the opposite party no. 2 and her family members and further they have also assaulted the petitioner, as such, he apprehends that fair trial is not possible at Katihar.



Heard learned APP also.

Having heard both sides, from perusal of the record, it appears that petitioner has stated that he was arrested in spite of protection by the Court's order, however, he admitted that on the intervention of Deputy Superintendent of Police, he was released. Petitioner has also taken a plea that he apprehends danger to his life to attend the proceeding at Katihar and he has also been assaulted. Being threatened by the opposite party no. 2 and others but it appears that no substantive case has been lodged by the petitioner with regard to the assault and threatening either before the police or before the Court.

In such view of the matter, I do not find any merit in the instant application and the same is accordingly, dismissed.

(Vinod Kumar Sinha, J)

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