

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5202 of 2019

Arising Out of PS. Case No.-24 Year-2005 Thana- MADHUBAN District- East Champaran

BALINDRA RAY @ BAGENDRA ROY @ BALINDAR RAY Son of Late
Narsingh Resident of Village - Fazilpur, P.S. - Rajepur, District- East
Champaran Appellant

Versus

THE STATE OF BIHAR Respondent

Appearance :

For the Appellant/s : Mr.Dhurendra Kumar, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-11-2019 This case is of the year 2005. Learned counsel for the appellant submits that in respect of the occurrence which allegedly took place in the year 2005, cognizance has been taken and summons have been issued at this stage vide Annexure '4' to the present memo of appeal.

Learned Spl. P.P. submits that since summon has already been issued against the appellant, in view of the Hon'ble Division Bench Judgment of this Court in the case of **Bisheshwar Mishra & Ors. Vs. The State of Bihar** reported in **2016 (4) PLJR 1058** anticipatory bail application cannot be entertained.

Considering the facts and circumstances wherein cognizance has already been taken and the appellant has been summoned on finding a *prima facie* case against him, in view of the aforesaid judgment of the Hon'ble Division Bench of this



Court, this criminal appeal cannot be entertained.

It is dismissed accordingly, leaving it open for the
appellant to seek his remedy in accordance with law.

(Rajeev Ranjan Prasad, J)

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