

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51344 of 2016

Arising Out of PS.Case No. -38 Year- 2013 Thana -FATUHA
District- -

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1. Shiv Nath Singh, S/o Late Dwarika Singh.
 2. Kunti Devi @ Sakuntla Devi, W/o Shiv Nath Singh.
- Both resident of village - Ratak Tola, P.S. Maner, Distt. Patna.
3. Brahmdeo Pd.
 4. Jagdeo Pd.
 5. Basudeo Pd.
- 3,4 and 5 are sons of Late Shiv Nath Sah.
6. Manoj Kumar @ Manoj Prasad.
 7. Sanjay Pd. @ Sanjay Kumar.
 8. Ajay Pd. @ Ajay Kumar.
- 6 and 7 are sons of Deo Narain Pd.
9. Ranjit Pd. Ranjit Kumar, S/o Puna Rai.
- 3 to 9 are resident of Didarganj, P.S. Didarganj, Distt. - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sushila Devi W/o Late Bhagawan Singh, resident of Raipura, P.S. Fatuha, Distt. - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Opposite Party/s : Mr. Raj Ballabh Singh

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**



ORAL ORDER

2 19-12-2016 This is an application, under Section 407 of the Code of Criminal Procedure, seeking transfer Sessions Trial No. 766 of 2015, arising out of Fatuha P.S. Case No. 38 of 2013, registered for the offences punishable under Sections 342, 323, 325, 307 and 379/34 of the Indian Penal Code, from the Court of learned Addl. District Judge-VI, Patnacity to any other competent Court of Patnacity Division.

There are two cases, i.e., Sessions Trial No. 766 of 2015 and Sessions Trial No. 895 of 2013, which are pending in the Court of learned Addl. District Judge-VI, Patnacity. The petitioners of the present application are accused in Sessions Trial No. 766 of 2015, whereas, the opposite party No. 2 is an accused in Sessions Trial No. 895 of 2013. The petitioners of this case are accused of commission of offence punishable under Sections 342, 323, 325, 307 and 379/34 of the Indian Penal Code.

The plea which is being taken for transfer of the case is that the learned court below is not expediting the trial initiated on the basis of First Information Report lodged by these petitioners.

I do not find any merit in the plea for transfer of the case on the ground taken on behalf of the petitioners. It appears that in both the cases, the witnesses have been



examined. There is no exigency which would require transfer of the case from the concerned Court to any other Court.

This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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