

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.52173 of 2016**

Arising Out of PS.Case No. -50 Year- 2016 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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1. Smt. Guriya Devi, wife of Sri Akhilesh Prasad Gupta and Daughter of Sri Ram Pravesh Sao, resident of Village & P.O.- Baidrabad, P.S.- Arwal, District- Arwal.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Sri Akhilesh Prasad Gupta Son of Sri Rajesh Prasad Gupta,  
3. Chandan Kumar, son of Rajesh Prasad Gupta, null  
4. Smt. Durgawati Devi, wife of Sri Rajesh Prasad Gupta,  
5. Rajesh Prasad Gupta, Son of Late Panna Lal Gupta,  
6. Kundan Kumar, Son of Late Sri Rajesh Prasad Gupta, Opp Parties no.2 to 6 are residents of Station Road, Dehri-on-Sone, P.S.- Dehri, District- Rohtas.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Shrivastava

For the Opposite Party/s : Ms. Madhuri Lata, APP

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

JUDGMENT AND ORDER  
ORAL

**Date: 19-12-2016**

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

**2.** This application, under Section 407 of the Code of Criminal Procedure, 1973, has been filed for transfer of Dehri Mahila Police Station Case No. 50 of 2016, registered for the offences punishable under Sections 341, 323, 498A, 494 and 495 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, from the Court of the learned Additional Chief Judicial Magistrate III, Rohtas, at Sasaram, to a Court of



equivalent jurisdiction in Arwal Judgeship.

**3.** The petitioner is the wife of Opposite Party No. 2. The mother of Opposite Party No. 2, his brothers and father of Opposite Party No. 2 have also been made accused.

**4.** It is stated in the application that the Investigating Agency of the said Mahila Police Station have gone in collusion with the Opposite Parties because of which the petitioner was compelled to file a complaint –cum- protest petition. It has also been stated that on the date fixed in the aforesaid case, the Opposite Party Nos. 2 and 6 humiliated the petitioner and her father and they slapped her and asked her to withdraw the case. It has further been alleged that she is a young lady, living with her parents at Arwal and, therefore, it will be highly inconvenient for her to go to Sasaram Court for pursuing the case.

**5.** Mere inconvenience of a party cannot be a ground for transfer of a criminal case. The grievance of the petitioner that Opposite Parties are threatening her and, therefore, the case should be transferred from Sasaram to Arwal Judgeship also cannot be entertained for the purpose of exercising power under Section 407 of the Code of Criminal Procedure, 1973.

**6.** It is noticeable that husband of the informant and all family members have been made accused. If the



petitioner has any genuine apprehension of any torture of misbehaviour at the hands of the private Opposite Parties, she will be at liberty to approach the Superintendent of Police, Sasaram, for seeking required protection. If she does so, the Court expects that the Superintendent of Police, Sasaram, shall ensure that she is allowed to appear before the Court below without any fear.

**7.** This application stands disposed of accordingly.

**(Chakradhari Sharan Singh, J.)**

Prabhakar Anand/-

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