

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40801 of 2016

Arising Out of PS.Case No. -163 Year- 2015 Thana -JAYNAGAR District- MADHUBANI

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1. Archana Devi @ Khusbu, wife of Shatru Daman Singh, D/o. Ram Kripal Singh, resident of Village- Rawaich, Police Station- Bakhtiyarpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shatru Daman Singh, Son of Sri Narendra Pratap Singh.
3. Ripu Daman Singh, Son of Narendra Pratap Singh.
4. Narendra Pratap Singh, Son of Anuj Singh.
5. Dauli Devi Wife of Ripu Daman Singh. All resident of Jai Nagar (Near Post Office), Police Station- Jay Nagar, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha
For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 19-12-2016 Heard learned counsel for the parties.

2. Petitioner is the wife of Opposite party No.2. She has filed Jai Nagar P.S. Case No. 163 of 2015, which is pending in the Court of learned S.D.J.M, Madhubani for the offence punishable under Section 498A of the Indian Penal Code and Section 34 of the Dowry Prohibition Act. The father of her husband, his brother, wife of the brother of the husband and father-in-law of the petitioner have been made accused.

3. She seeks transfer of the said case from the Court of learned S.D.J.M, Madhubani to the Court of learned S.D.J.M,



Patna. The grounds, which have been taken for transfer of the said case has been mentioned in paragraphs 7,8 and 11 of the application, which read thus:-

“7. That recently accused persons are giving threatening to the petitioner and her father for killing them at Madhubani.

8. That accused persons are resident of Madhubani locality and petitioner and her witnesses are outsider so there is great danger of life of the petitioner and her witnesses to depose in Madhubani Court.

11. That petitioner has no source of income and her father is unemployed person she cannot bear the costly expenditure in going to Madhubani.”

4. The statements as noted above are totally vague.

Secondly, only inconvenience of the petitioner cannot be a ground for exercise of power under Section 407 of the Code of Criminal Procedure, 1973, for transferring a case. Thirdly, the apprehension that the petitioner may be ill treated if she is compelled to go to Madhubani appears to be imaginary without any foundation.

5. I do not find any merit in this application, which is accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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