

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12298 of 2016

Arising Out of PS.Case No. -2151 Year- 2014 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

=====

1. Rinku Devi @ Rinku Jha, wife of Sanjay Upendra Jha.
2. Upendra Jha, Son of Sudhawar Jha.
3. Rajesh Jha, Son of Upendra Jha
4. Laxami Jha, Son of Rudra Narayan Jha @ Rudal Jha
5. Sanjay Upendra Jha, Son of Upendra Jha. All Resident of Village- Jarail, Benipatti, P.S. Arer, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kameshwar Prasad Singh, Son of Late Indradeo Singh, at present resident of Mohalla- Kuwar Singh Nagar, Near Sudha Dairy, Kathira, P.S. Ara Nawda, District- Bhojpur, Permanent Resident of Village- Sendaha, P.S. Tarari, District- Bhojpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate
For the Opposite Party/s : Mr. Dr. Indihar Kumari, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 06-12-2016 The present application, under Section 407 of the Code of Criminal Procedure has been filed, seeking transfer of Complaint Case No. 2151 (C) of 2014/Trial No. 245 of 2014 pending in the court of learned Judicial Magistrate 1st Class, Ara to any other court preferably within the jurisdiction of Madhubani Civil Court. The petitioners are facing prosecution for commission of offence punishable under Section 420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act on the basis of a complaint case filed by the opposite party No. 2.



I have heard learned counsel appearing on behalf of the petitioners and learned counsel representing the opposite party No. 2.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners have been granted anticipatory bail by the court below but after they had been released on bail, they were threatened by the opposite party No. 2 and his henchmen in Ara Civil Court. It is his submission that no fair and just trial of the petitioners in Ara Civil Court will be possible and, therefore, it would be expedient in the ends of justice that the case is transferred.

I do not find the reasons mentioned in the application to be valid ground for transfer of the case.

Learned counsel appearing on behalf of the opposite party countering the contentions made by and on behalf of the petitioners has submitted that there is no question of any threat to these petitioners on the part of the opposite party.

In view of the above, I am not inclined to invoke jurisdiction under Section 407 of the Code of Criminal Procedure by transferring the said case from the court of Judicial Magistrate 1st Class, Bhojpur at Ara.

It is, however, indicated that if the petitioners have



any apprehension or threat relating to their security, they will be at liberty to approach the Superintendent of Police, Bhojpur at Ara. If they do so, it is observed that the Superintendent of Police, Bhojpur at Ara will take all possible measure to ensure the safety and security of these petitioners.

Accordingly, this application is disposed of.

(Chakradhari Sharan Singh, J)

Vats/-

U		T	
---	--	---	--

