

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26484 of 2017

Arising Out of PS.Case No. -183 Year- 2015 Thana -KASIMBAZAR District- MUNGER

=====

1. Md. Sahab @ Bablu, son of Late Md. Ahmed, resident of Mohalla- Amin Colony, Katra near Gandhi Setu, P.S.- Khajekalan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ruby @ Ruby Sheikh, daughter of Md. Naimaaddin and wife of Md. Sahab @ Bablu, resident of Mohalla- Hazratganj Khankah Road, P.S.- Kasim Bazar, Munger, District- Munger.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Upendra Prasad
Ms. Veena Kumari Jaiswal
Mr. Sunil Kumar
For the Opposite Party/s : Mr. Narsingh Tanti

=====

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

2 22-06-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

The petitioner is the husband of Opposite Party No. 2. He seeks transfer of Sessions Trial No. 22 of 2017 from the Court of learned Additional Sessions Judge II, Munger, to any other Court of equivalent jurisdiction outside the Munger Judgeship.

The said sessions trial arises out of Kasim



Bazaar Police Station Case No. 183 of 2015, registered for the offences punishable under Sections 341, 323, 307, 498A, 379, 315, 316 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

From the allegations, which have been made in the present application seeking transfer, it appears that the only ground which the petitioner has tried to make out is that there is severe threat to the petitioner's life and that of his family members, who were co-accused because the informant is local resident. It has been stated that the informant and his family members had attempted to kidnap the petitioner when the petitioner had gone there in the Court to appear as an accused.

The grounds, which have been taken, in my opinion, cannot be said to be valid grounds for transfer in view of the Supreme Court's decisions, in the cases of **Jyoti Mishra v. Dhananjay Mishra**, reported in **(2010) 8 SCC 803**, and **Rajesh Talwar v. Central Bureau of Investigation and Others**, reported in **(2012) 4 SCC 217**.

It is, however, observed that if the petitioner approaches the Superintendent of Police, Munger, for providing him proper security and protection, in view of the alleged threats, the Superintendent of Police, Munger, will



be required to do the needful.

This application is accordingly disposed of.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

