

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32264 of 2017

Arising Out of PS.Case No. -450 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Ashok Ram Son of Late Mahesh Ram, Resident of Village- Pipari, P.S.-
Derni, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Amit Kumar Son of Sarvodaya Ram,
3. Sarvodaya Ram Son of Late Baijnath Ram,
4. Devanti Devi W/o Sarvodaya Ram,
5. Bittu Kumar, Son of Sarvodaya Ram,
6. Reena Devi D/o Sarvodaya Ram, Opposite Party no.3 to 6 are Resident of
Digha Bansh Kothi, Famour Field colony, East Gali of Aashadeep School,
P.S.- Digha, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : With Mr. Ajay Kr Singh No.1

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 25-07-2017 Heard learned counsel for the parties.

The petitioner has filed complaint case No. 450(C) of
2016, which is pending in the Court of learned Sub Divisional
Judicial Magistrate, Danapur, for the offences punishable under
Sections 323,304,506 of the Indian Penal Code and Sections 3/4 of
the Dowry Prohibition Act.

The petitioner has filed the present application for
transfer of the said case from Danapur Court to the Court of
equivalent jurisdiction under Saran Judgeship. The plea of the



petitioner is that he is being threatened at Danapur whenever he goes to pursue his case and, therefore, he cannot actively pursue his case at Danapur.

It is the petitioner, who filed the case at Danapur. It is settled legal principle that a criminal case should ordinarily not be transferred and should be tried by the Court having territorial jurisdiction and only in exceptional circumstance, a case can be transferred.

I do not find the circumstance to be exceptional in nature.

If the petitioner has any difficulty from any particular person, he will be at liberty to bring that to the notice of the Court and the local Police for providing him security for his appearance before the Court below.

With this observation, this application is disposed of.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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