

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30256 of 2014

Arising Out of PS.Case No. -2340 Year- 2011 Thana -BHAGALPUR

COMPLAINT CASE District- BHAGALPUR

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1. Raman Kumar, son of Sri Ram Ekbal Singh, resident of Mohalla:
Sector - 10, B/84, Basundhara, P.S. + District : - Gaziabad (Uttar
Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

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Criminal Miscellaneous No. 30796 of 2014

Arising Out of PS.Case No. -2378 Year- 2011 Thana -BHAGALPUR

COMPLAINT CASE District- BHAGALPUR

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1. Raman Kumar, Son of Sri Ram Ekbal Singh, resident of
Mohalla- Sector-10, B/84, Basundhara, P.S. + District- Gaziabad
(Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

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Criminal Miscellaneous No. 29068 of 2014

Arising Out of PS.Case No. -2333 Year- 2011 Thana -BHAGALPUR

COMPLAINT CASE District- BHAGALPUR

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1. Raman Kumar, Son of Sri Ram Ekbal Singh, resident of
Mohalla- Sector-10, B/84, Basundhara, P.S. + District- Gaziabad
(Uttar Pradesh).



.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.30256 of 2014)

For the Petitioner/s : Mr. Ranjan Kr. Jha, Adv.
Mr. Mirtyunjay Kr. Mishra, Adv.

For the Opposite Party/s : Mr. A.M.P. Mehta, APP

(In Cr.Misc. No.30796 of 2014)

For the Petitioner/s : Mr. Ranjan Kr. Jha, Adv.
Mr. Mirtyunjay Kr. Mishra, Adv.

For the Opposite Party/s : Mr. Md. Ansharul Haque, APP

(In Cr.Misc. No.29068 of 2014)

For the Petitioner/s : Mr. Ranjan Kr. Jha, Adv.
Mr. Mirtyunjay Kr. Mishra, Adv.

For the Opposite Party/s : Mr. Uday Chand Pd., APP

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

ORAL JUDGMENT & ORDER

Date: 17-01-2017

Heard the parties.

2. These applications, under Section 407 of the Code of Criminal Procedure (*hereinafter referred to as the "Code"*), has been filed for transfer of the following cases from Bhagalpur to any other district, preferably within the district of Patna or Jamui, in which the petitioner has been made



accused:-

- (i) Complaint Case No. 2340 of 2011,
- (ii) Complaint Case No. 2378 of 2011, and
- (iii) Complaint Case No. 2333 of 2011

3. The ground, which has been taken for transfer of the cases, aforementioned, is that fair and impartial trial is not possible in Bhagalpur Court because of the influence which the complainants-opposite parties can exercise at the place. Specific reference has been given to an occurrence, which is said to have been taken place on 16.06.2014, where a group of 100 to 150 people had attempted to drag the petitioner and had harmed him physically within the Court premises, at Bhagalpur, when he had gone there to attend the Court as an accused. It is the case of the petitioner that with the intervention of the Court, he was saved after two armed police personnel were provided for his safety.

4. In my opinion, the ground taken for transfer of the cases, aforementioned, is not good ground for transfer of a criminal case. Reference may be made in this regard to Supreme Court decision in case of ***Rajesh Talwar Vs. Central Bureau of Investigation & Ors.***, reported in ***(2012) 4 SCC 217***. The Supreme Court, in case of *Rajesh Talwar (supra)*, dealing with a situation, where an accused was attacked within Court premises, refused to transfer the case. I am not inclined to entertain these applications for transfer of the criminal cases



in exercise of power under Section 407 of the Code.

5. However, it is observed and directed that the petitioner will be at liberty to inform the court below or the local police, including the Superintendent of Police, Bhagalpur, if there is any issue relating to his safety or security, at the time of his appearance before the Court, and if such information is made, by way of application or otherwise, the court below and the Superintendent of police, Bhagalpur will be obliged to ensure passing necessary orders and providing due safety and security to the petitioner.

6. With the above observation, these applications stand disposed of.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.01.2017
Transmission Date	19.01.2017

