

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1939 of 2017

Arising Out of PS.Case No. -37 Year- 2013 Thana -FATUHA District- PATNA

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Shiv Nath Singh, Son of late Dwarika Singh, Resident of Village Ratak
Tola, P. S. Maner, Dist-Patna

.... Petitioner/s

Versus

1. The State of Bihar
 2. Chandra Bhusan Pd., son of late Bhagwan Singh
 3. Sushila Devi, wife of late Bhagwan Singh, both are resident of Raipura,
P. S. Fatuha, District-Patna
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Opposite Party/s : Mr. Sri Ramchandra Sahani

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 23-01-2017 Heard learned counsel for the parties.

2. The petitioner seeks transfer of Sessions Trial No. 895
of 2013 arising out of Fatuha P.S. Case No. 37 of 2013 registered
for the offences punishable under Sections 304B/34 of the Indian
Penal Code from the Court of learned Additional Sessions Judge-
VI, Patna City to any other competent Court for trial.

3. The ground, which has been taken for such transfer is
that the court below is proceeding in haste for conclusion of the
trial because of which certain important witnesses are not being
examined. It is, accordingly, the contention on behalf of the
petitioner that free and fair trial may not be possible in the Court
of learned Additional Sessions Judge-VI, Patna City.

4. The allegations, which have been made in the



application seeking transfer do not support the plea of the petitioner that the learned court below is proceeding in a manner which is not permissible under the law.

5. If any order of the court below, according to the petitioner, is not legal, the petitioner shall be at liberty to approach appropriate Court raising grievance against such order.

6. While parting with, the Court observes that the court below, considering the gravity of the offence, shall take all endeavour to ensure that the witnesses whose evidence is crucial for adjudication of the case, as far as practicable, appear by resorting to the provisions of the Code of Criminal Procedure, 1973.

7. This application is disposed of with the observation as above.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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