

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40301 of 2016

Arising Out of PS.Case No. -214 Year- 2015 Thana -NATHNAGAR District- BHAGALPUR

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1. Arpana Kumari Daughter of Surendra Prasad Singh, Resident of Village- Chhoti Pasraha, P.S. Pasraha, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. The Sub Divisional Judicial Magistrate through Registrar, Civil Court, Bhagalpur.
 3. Abhinav Raj Son of Om Prakash Singh.
 4. Om Prakash Singh Son of Late Mohan Lal Singh
 5. Kamal Devi Wife of Om Prakash Singh.
 6. Gaurav Raj Son of Om Prakash Singh.
- 3-6 are residents of Village- Teghra, P.S. Tarapur, District- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 23-01-2017

The defect, as pointed out by the Stamp Reporter, stands ignored.

2. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. This application has been filed for transfer of Nathnagar (Lalmatiya) Police Station Case No. 214 of 2015, registered for the offence punishable under Section 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry



Prohibition Act. The said case is pending in the Court of learned Sub Divisional Judicial Magistrate, Bhagalpur.

4. The petitioner is wife of Opposite Party No. 3. The Opposite Party No. 4 is the father of Opposite Party No. 3; whereas Opposite Party Nos. 5 and 6 are mother and brother of Opposite Party No. 3, respectively.

5. It has been asserted in the application that the petitioner feels it difficult to contest the said case at Bhagalpur and whenever she goes to Bhagalpur Civil Court to do pairvi in the said case, she is surrounded by the men of her husband.

6. There is no reference in the said statement made in paragraph 8 as to when the petitioner had gone to Bhagalpur to do pairvi in the present police case when she was misbehaved or otherwise obstructed by the private opposite parties. There is no mention as to at what stage she had gone to Bhagalpur when she had to face such difficulties. Thirdly, learned Counsel for the petitioner states that charge is yet to be framed. Evidently thus, the trial has yet not commenced. It has also been submitted that her house is nearly 80 kms. from the Court and, therefore, it is inconvenient to her to pursue the criminal case in Bhagalpur.

7. The plea, which has been taken, cannot be accepted as valid grounds for transfer of a criminal case in view of the clear law laid down by the Supreme Court in the



case of **Rajesh Talwar v. Central Bureau of Investigation and Others**, reported in **(2012) 4 SCC 217**.

8. It goes without saying that if the petitioner approaches the Superintendent of Police, Bhagalpur, making any complaint relating to her safety or security in attending the Court at Bhagalpur, the Superintendent of Police, Bhagalpur, will be required to look into it and do the needful, so that the petitioner may appear at the trial without any apprehension or fear.

9. This application stands disposed of with the observations, as above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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