

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23574 of 2017

Arising Out of PS.Case No. -213 Year- 2007 Thana -MALSALAMI District- PATNA

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1. Raj Narayan Rai, Son of Late Kamal Rai.

2. Sanjay Rai.

3. Mahesh Rai.

4. Naresh Rai.

All Sons of Late Ramchandra Rai.

5. Megh Nath Rai, Son of Late Devi Rai.

All are R/o Mohalla-Rikabganj, P.S.-Malsalami, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Shiv Jatan Rai, Son of Ramshish Rai, R/o Mohalla-Rikabganj, P.S.-
Malsalami, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudal Prasad, Adv.

For the Opposite Party/s : Mr. Satyavarat Verma, APP

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

ORAL ORDER

2 15-05-2017

The present application, under Section 407 of the Code of Criminal Procedure, has been filed seeking transfer of Sessions Trial No. 671 of 2008, arising out of Malsalami P.S. Case No. 213 of 2007, pending in the Court of learned 2nd Additional Sessions Judge, Patna City, to any other Court of equivalent jurisdiction in the Judgeship of Vaishali. The plea



for transfer is based on the contention that the place of occurrence is not within the Judgeship of Patna Court rather it is within the jurisdiction of Vaishali Court.

It appears that the petitioner had raised similar plea by filing a petition, on 02.07.2008, before the Court of learned 6th Additional Sessions Judge, Patna. The Court had rejected the said petition by an order, dated 14.08.2008. The petitioner is said to have filed Cr. Misc. No. 40305 of 2008 against the said order, dated 14.08.2008, which was dismissed for default by an order, dated 31.03.2010.

Again on the same ground, the petitioner seeks transfer of the said case when admittedly the witnesses have been examined and the matter has been posted for argument, before the court below.

This application has no merit at all and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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