

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31536 of 2017

Arising Out of PS.Case No. -408 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Sheoshankar Singh @ Sheo Shankar Singh Son of Late Bodha Singh,
Resident of Village- Sheo-Bahar, P.S.- Suryapura, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ritesh Kumar, Son of Sri Ram Prakash Singh, Resident of Village-
Dharupur, P.S.- Bikarmganj, District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh Sr. Adv.
With Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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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 is an accused of the commission of the offence punishable under Sections 323, 504 of the Indian Penal Code and Sections 34 of the Dowry Prohibition Act, in Complaint Case No. 408 of 2013, which is pending in the Court of learned Sub Divisional Judicial Magistrate, Bikramganj.

This application has been filed under Section 407 of the Code of Criminal Procedure, 1973 for transfer of the said case from Bikramganj to any other place either within the same Sessions Division, i.e., Rohtas, outside the said Sessions Division before the Court of equivalent jurisdiction.

The reason for transfer, which has been mentioned in the application, is that close family member of the complainant is a practicing lawyer in Bikramganj Court and, therefore, lawyers are not accepting his brief to conduct his case.



Learned Senior counsel appearing on behalf of the petitioner has submitted that this is an extreme situation where even for doing pairvi on the dates fixed; the petitioner is not getting any lawyer. On the plea which has been taken on behalf of the petitioner, order of transfer under Section 407 of the Code of Criminal Procedure, 1973, need not be made by this Court for the present.

This application is disposed of with an observation that the Court below shall ensure, in the event the petitioner is not represented by a Counsel, that a Counsel is appointed to defend his case under the orders of the Court though at the cost of the petitioner. If the petitioner has any difficulty in engaging a counsel, he shall approach the District Legal Service Authority, Rohtas for legal aid and if he does so, the Secretary, District Legal Authority, Rohtas shall be obliged to look into this situation and extend legal aid as may be permissible under the Rules for providing legal aid.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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