

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7940 of 2017**

Arising Out of PS.Case No. -10 Year- 2000 Thana -BARH District- PATNA

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Sunita Devi, aged about 42 years, W/o Late Upendra Yadav, Resident of  
village Bhatha, P.S. Belchhi, District- Patna

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate.

For the Opposite Party/s : Smt. Reena Sinha, APP.

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

2      23-03-2017

The present application under Section 407 of the  
Code of Criminal Procedure 1973 has been filed seeking transfer  
of Sessions Trial No. 245 of 2008 arising out of Barh (Belchi)  
P.S. Case No. 10 of 2000 to any other court of equivalent  
jurisdiction.

The ground which has been taken for transfer is that  
the petitioner has filed Cr. Misc. No. 16627 of 2017 in this court  
challenging an order dated 29.02.2016 passed by the court below  
rejecting the petitioner's application under Section 311 of the  
Code of Criminal Procedure. Despite the information with respect  
to filing of the said case having been given to the court below, the  
court below is said to have released the accused on bail. That  
cannot be at all a valid ground of transfer of the case in exercise



of power under Section 407 of the Code of Criminal Procedure,  
1973.

I do not find any merit in this application and  
accordingly, this application is dismissed.

**(Chakradhari Sharan Singh, J.)**

Mishra

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