

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36857 of 2017

Arising Out of PS.Case No. -2 Year- 2016 Thana -SHEKHPURA District- SEKHPURA

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Dharmendra Kumar Sharma, son of Dinesh Sharma, Resident of village-
Balwapar, P.S. Warisaliganj, District Nawada

.... Petitioner/s

Versus

1. State of Bihar
2. Sagar Raut, son of late Ram Nath Raut, Resident of village- Kusumbha,
P.S. Seikhpura, District-Sheikhpura.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha

For the Opposite Party/s : Mr. R.B. Roy 'Raman'; APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 03-08-2017 Heard learned counsel for the parties.

The petitioner seeks transfer of Seikhpura P.S. Case No. 02 of 2016 from the Court of learned Additional Sessions Judge, Seikhpura to a Court of equivalent jurisdiction under the Nawada Judgeship.

Learned counsel for the petitioner has submitted that the case may be directed to be transferred to any Judgeship other than Seikhpura Judgeship.

The plea, which has been taken for transfer of the case, is that the petitioner is being threatened by the Opposite party No.2 and his men of dire consequences and at least once he was assaulted by his men when he had gone to attend Court. It is also his plea that he has informed the police in this regard for providing him protection but the same has not been provided.



It is only in extra ordinary situation when a criminal case should be transferred from one Court to another in exercise of power under Section 407 of the Code of Criminal Procedure, 1973. The plea which is being taken in the present case, however, cannot be a ground for transfer of the criminal case in view of Supreme Court's decision in case of *Jyoti Mishra Vs. Dhananjaya Mishra* reported in (2010) 8 SCC 803 and decision of this Court in case of *Fojiya Nishat Vs. The State of Bihar and Anr*, passed in *Cr. Misc. No. 25766 of 2016*, dated *20.12.2016*.

However, this is a serious matter where an accused is seeking protection after having been threatened by the informant's side, which grievance is not being addressed to, by the police administration.

I dispose of this application in that background, with a direction to the Superintendent of Police to look into the petitioner's grievance and ensure that he is given due protection when he is required to appear before the Court below, in connection with Seikhpura P.S. Case No. 02 of 2016, which is pending before the learned Additional Sessions Judge, Seikhpura.

This disposes of the application.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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