

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56159 of 2017

Arising Out of PS.Case No. -545 Year- 2016 Thana -GAYA COMPLAINT CASE
District- GAYA

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Bimal Kumar Singh @ Ran Vijay Singh, S/o Chandar Vans
Singh, R/o Village- Bajerwa, P.S.- Sahar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Guriya Devi @ Bharti Devi, W/o Bimal Kumar Singh @
Ram Vijay Singh, D/o Shiv Prakash Singh, R/o Mhalla- East
Poice Line Road, Rampur, P.S.- Rampur, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the O.P. No. 2 : Mr. Ravindra Kr. Sinha, Adv.

For the State : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

8 18-07-2018 The petitioner seeks transfer of Complaint Case
No. 545C of 2016, pending before the Court learned Chief
Judicial Magistrate, Gaya to any other Court of competent
jurisdiction in Bhojpur at Ara. The aforesaid complaint case
relates to offences under Sections 498A and 497 of the
Indian Penal Code.

Learned counsel for the petitioner has submitted



that the reason for seeking such transfer is that the opposite party No. 2 and her father and brothers have been threatening the petitioner of dire consequences. They have gone to the extent of assaulting the lawyer of the petitioner also when he had appeared for him in anticipatory bail matter before the court below.

Learned counsel appearing for the opposite party No. 2 has, however, submitted the lawyer, viz. Jai Prakash Singh, about whom reference has made in the petition, has never appeared on behalf of the petitioner. In fact, he is directly related to the petitioner being the brother-in-law of his elder brother. On the contrary, the father of the opposite party No. 2 is a lawyer and there is no complaint whatsoever, against him or other members of the family of opposite party No. 2 about any threat or ill-treatment to any one of the witnesses, Advocate or the petitioner. The allegations levelled in the F.I.R. pertaining to Gaya Civil Line P.S. Case No. 223 of 2017 also does not appear to be correct in as much as on the alleged date of occurrence, the Courts were being held in the morning shift, but the case was lodged at about 5:00 P.M. in the concerned police station.

That apart, while opposing the prayer for transfer of Complaint Case No. 545C of 2016 from Gaya to Bohojpur at Ara, learned counsel for the opposite party No. 2 has also



informed this Court that the matrimonial case which was filed by the petitioner in Bhjojpur at Ara has been directed to be transferred to Gaya by a Bench of this Court *vide* order dated 28.03.2018, passed in M.J.C. No. 1858 of 2017.

Considering the aforesaid facts, the prayer made on behalf of the petitioner is not fit to be entertained and the same is, accordingly, dismissed.

However, it is made clear that the opposite party No. 2 shall not cause any disturbance to the petitioner in prosecuting/defending his case before the Court of law. Should any occurrence take place, it would be open for the petitioner to approach the concerned Court for necessary relief.

(Ashutosh Kumar, J)

Praveen-II/-

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