

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6292 of 2018

Arising Out of PS. Case No.-192 Year-2013 Thana- RAHUI District- Nalanda

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Jaleshwar Prasad Singh S/o Late Batoran Singh, R/o Village- Purvi Malahi
P.O.+P.S. - Barah, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Kumar Singh @ Narayan Singh S/o Arun Kumar Singh,
3. Anita Devi W/o Arun Kumar Singh,
4. Tunni Devi W/o Sravan Kumar Singh,
5. Satrudhan Singh @ Dubey Jee S/o Late Bujhawan Singh, All R/o Village-
Havanpura, P.S.- Rahui, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun
For the Opposite Party/s : Mr. Sri Dinesh Singh33

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 08-08-2018 The petitioner, who is the father of the deceased and informant of Rahui P. S. Case No. 192 of 2013, has sought transfer of the trial of opposite parties from the Court of learned Additional District & Sessions Judge, Bihar Sharif at Nalanda to any other Court of competent jurisdiction, in the judgeship of Patna.

It has been submitted on behalf of the petitioner that the case relates to murder of the daughter of the petitioner. In the aforesaid case, some of the accused persons were tried and were convicted. The husband of the deceased had not surrendered to the process of law and therefore he was not tried along with the other accused persons. Later, he also surrendered



before the court below, whereafter charges were framed against him.

It has been submitted on behalf of the petitioner that on the day, charges were framed against Opposite Party No. 2 / husband of the deceased, the petitioner was threatened of serious consequences, in case he contested the trial of O. P. No. 2. One of the brothers of O. P. No. 2 also tried to intimidate him at his business premises.

The respondents have, on the other hand, stated that the aforesaid allegations are false in as much as there had been no such complaint by the petitioner when the other accused persons were tried and convicted. If at all any occurrence has taken place on a particular date, a complaint should have been made before the trial court on the same day. It has further been submitted that only with an evil intention, a petition was filed before the Court regarding threatening by the Opposite Party No. 2 on the next day of the so called occurrence but the aforesaid petition was never moved.

It has also been submitted on behalf of the Opposite Party No. 2 that he is employed with the Government at Manipur and on many dates, he was not relieved by his Commanding Officer to appear before the



trial court.

Learned counsel for the opposite parties has also stated before this Court that no attempt shall ever be made to intimidate the informant or the witnesses during trial.

For a solitary incidence, it would not be proper to transfer sessions trial from one sessions division to another.

Be that as it may, if at all, the informant or his witnesses are threatened by the opposite parties or their accomplices, it would be open to the petitioner to bring it to the knowledge of the trial court immediately. In that event, the trial court shall direct the concerned Superintendent of Police to take necessary action in the matter. If any incidence of such kind takes place, it would also be open to the petitioner to approach this Court again for transfer of the sessions trial from the judgeship of Biharsharif at Nalanda to any other judgeship situated nearby.

The opposite parties are also directed to eschew from any act which would impede the pace of the trial or would scare away the witnesses. Should such act be reported, the trial court would take serious view of the matter and would also consider the desirability of getting a case registered against the erring persons.



With the aforesaid direction / observation,
the petition is disposed off.

(Ashutosh Kumar, J)

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