

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56025 of 2017

Arising Out of PS. Case No.-29 Year-2013 Thana- MAHILA PS District- Buxar

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Rima Devi, wife of Jay Prakash Tiwary, daughter of Barmeshwar Pandey,
Resident of Village- Chourai, Police Station- Udwant Nagar, District- Bhojpur
(Ara).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Jay Prakash Tiwary, son of Surendra Tiwary, Resident of Village- Civil Line,
Buxar, Police Station- Buxar Town, District- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Shankar Pathak
For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 16-05-2018 The petitioner has sought transfer of Buxar
(Mahila) P.S. Case No. 29 of 2013 (G.R. No. 1843 of
2013) from the court of the learned Sub-Divisional
Judicial Magistrate, Buxar to any court of competent
jurisdiction Bhojpur at Ara.

It has been submitted on behalf of the
petitioner that the aforesaid case was lodged by her at
Buxar because Buxar is her matrimonial home. When
she was not treated well in her matrimonial home, she
had filed the subject FIR. In the aforesaid case an
attempt was made in the past for reconciliation between
the parties. Some kind of settlement had earlier been
arrived at but according to the learned counsel for the
petitioner, opposite party no. 2 resiled from his promise



and again threw the petitioner out of her matrimonial home. Faced with absolutely no option, the petitioner had to leave her matrimonial home at Buxar and had to live in her parental house. At Ara, the petitioner has preferred two other cases viz. Maintenance Case No. 252 of 2015 and Domestic Violence Case No. 86 of 2016 which are being contested by opposite party no. 2 at Ara.

This Court has interacted with the parties.

Though the opposite party no. 2/husband has stated before this Court that he is ready to take back the petitioner/wife to his home and accord her all dignity and affection to which she is entitled but the petitioner/wife is absolutely apprehensive and apprehends that some further trouble may befall on her, if she is made to go to Buxar. The petitioner is an advocate's clerk in Buxar Civil Court where his father is practicing as an advocate.

This Court has interacted with the father of the opposite party no. 2 also who has come to observe the proceedings.

Regard being had to the aforesaid facts and complete disinclination of the petitioner to go to Buxar, this Court is of the view that in the interest of justice, the case viz. Buxar (Mahila) P.S. Case No. 29 of 2013 (G.R. No. 1843 of 2013) be transferred from Buxar



judgeship to Ara.

It is ordered accordingly.

The records of Buxar (Mahila) P.S. Case No. 29 of 2013 (G.R. No. 1843 of 2013) is transferred from the court of the learned Sub-Divisional Judicial Magistrate, Buxar to the court of the learned Sub-Divisional Magistrate, Bhojpur at Ara.

The process of the documents from one court to the other be completed within a period of one month from today.

The application stands allowed.

(Ashutosh Kumar, J)

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