

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25571 of 2017

Arising Out of PS.Case No. -99 Year- 2015 Thana -MAHILA PS District- JAMUI

- =====
1. Ranvir Ram @ Ranvir Kumar, son of Sri Bindeshwari Ram
 2. Bindeshwari Ram, son of Late Bal Govind Ram @ Govind Ramchandra Wanshi
 3. Usha Devi, wife of Sri Bindeshwari Ram
 4. Ranjan Ram @ Ranjan Kumar, son of Bindeshwari Ram
 5. Rubi Devi, daughter of Sri. Bindeshwari Ram
 6. Priti Kumari (Rani), daughter of Sri. Bindeshwari Ram
- All residents of Village-Pacham Gumti, P.S.-Chanan, District-Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Dipa Kumari, daughter of Sri Lalan Singh, resident of Village-Kolhya, P.S.-Khaira, District-Lakhisarai

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Amar Prakash, Advocate

For the State : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

9 07-03-2018 The petitioners, who are facing trial in connection with Jamui Mahila P.S. Case No. 99 of 2015 dated 03.12.2015 instituted for the offences under Sections 323, 341, 506, 420, 498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, seek transfer of the aforesaid case to any Court of competent jurisdiction within the judgeship of Lakhisarai on the ground that they are finding it inexpedient to pursue their case and make *Pairavi* in the same because of the fear of the relatives of opposite party No. 2.

It has been submitted that on the basis of the



written report by the opposite party No. 2, the subject F.I.R was registered for investigation. The petitioners, who are the husband and other relatives of the husband of opposite party No. 2, were granted bail by the Court below. The petitioner Nos. 3 and 6 were granted anticipatory bail by the District Court whereas petitioner No. 1, being husband of the opposite party No. 2 was granted provisional anticipatory bail by a Bench of this Court. The provisional anticipatory bail of the petitioner No. 1 which has been annexed as Annexure-2 to the petition, reveal that a direction was given to the Court below to confirm the provisional bail, if the Court below found that there was substantial restoration of the matrimonial harmony within a period of one year or if the informant fails to appear before the Court below or if the informant is reluctant to reconcile the issue.

It has been submitted on behalf of the petitioners that on 04.04.2017, the date was fixed for evidence, when the father of opposite party No. 2 was examined as P.W. 1. Another date was fixed on 03.05.2016 for examination of opposite party No. 2. The opposite party No. 2 did not appear before the Court below on the said date, forcing the petitioner No. 1 to file an application before the Court below to confirm the provisional bail as deliberately the opposite party No. 2 had not been participating



in the trial. Thereafter, it has been alleged that the petitioners were manhandled in the Court campus as well as at the railway station while they were going back to their home town at Lakhisarai. With respect to the aforesaid assault at the railway station of Jamui, a case was filed vide Kiul G.R.P. Case No. 87 of 2017 dated 04.04.2017 against the relatives and well wishers of opposite party No. 2 for the offences under Sections 323, 379, 307, 504, 506, 147, 149, 34 of the Indian Penal Code. In the aforesaid case, charge-sheet also has been submitted by the police against the wrong-doers.

The petitioner No. 1, because of the assault perpetuated upon him had to be treated in P.M.C.H. It was found that he had sustained grievous injuries because of the assault referred to above. Under such circumstances, the present petition has been filed, seeking transfer of the case referred to above from the judgeship of Jamui to Lakhisarai.

Learned counsel appearing for the opposite party No. 2, however has stated that an absolutely false and frivolous ground has been raised by the petitioners for getting their case transferred to Lakhisarai where they reside normally.

On perusal of the records, this Court is convinced that a case of transfer has been made out by the petitioners.



However, this Court, taking into account that there could be a possibility of opposite party No. 2 being harassed at Lakhisarai where the petitioners reside, feels that it would be better if the case is transferred to any competent Court in the judgeship of Munger which is equi-distant from the districts of Jamui and Lakhisarai both.

Learned counsel appearing for the petitioners is absolutely agreeable for being tried at a place different from Jamui, even though, it would cause some hardships to them in facing trial at Munger.

This Court has also been informed that up till now, three prosecution witnesses have been examined at the trial.

This Court, therefore, directs for the transfer of Jamui Mahila P.S. Case No. 99 of 2015 dated 03.12.2015 instituted for the offences under Sections 323, 341, 506, 420, 498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act to a Court of equivalent jurisdiction in the judgeship of Munger.

For the aforesaid purpose, the District & Sessions Judge, Jamui shall transmit the records of the case to the District & Sessions Judge, Munger, who shall assign the case to any competent Court in his judgeship for trial and disposal.



The Court, which would be assigned the aforesaid case in the judgeship of Munger shall continue with the trial of the case from the stage from where it has been transferred, meaning thereby, that the deposition of the three witnesses who have been examined on behalf of opposite party No. 2 will be taken on record and a date would be fixed for examination of P.W. 4 in the case.

Till the time the records are transferred to the judgeship of Munger, all further proceedings in the Court where the trial was being held hitherto, shall remain stayed.

The whole process of transfer of the records must be completed within a period of one month from the date of communication/production of a copy of this order before the Court concerned as well as before the District Judge, Jamui.

The petition stands allowed.

(Ashutosh Kumar, J)

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