

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58140 of 2017

Arising Out of PS.Case No. -276 Year- 2017 Thana -COMPLAINT CASE District-
ARRARIA

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Anish Kumar, son of Vaidhnath Sah @ Bholah Sah, resident
of Village- Banshwaria, P.S.- Motihari (Muffasil), District-
East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sushila Devi, wife of Anish Kumar, resident of Village-
Banshwaria, P.S.- Motihari Muffasil, District- East
Champaran. At present resident of Village- Kuari, P.S.-
Kuari, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the O.P. No. 2 : Mr. Raj Kumar, Adv.

For the State : Ms. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

9 11-07-2018 The petitioner/husband has sought transfer of
the Complaint Case No. 276 of 2017, instituted by the
opposite party No. 2/wife under Sections 498(A), 406 and
307 of the Indian Penal Code, from the Court of learned
Judicial Magistrate, Ist Class, Araria to any other Court of
competent jurisdiction in the district of East Champaran at



Motihari.

Mr. Umesh Kumar Singh, learned Advocate appearing for the petitioner submits that at present there are five cases pending between the parties; two of such cases have been filed by the petitioner/husband which are pending adjudication at East Champaran, Motihari. Two of the aforesaid three cases have been filed by the opposite party No. 2/wife at Araria and one at East Champaran, Motihari.

This Court had issued notice to the opposite party No. 2 on the assumption that contesting all the cases at one place would be convenient for both the parties.

Pursuant to the notice, Mr. Raj Kumar, learned Advocate has appeared on behalf of the opposite party No. 2.

It has been submitted on behalf of the opposite party No. 2/wife that after her ouster from the matrimonial home, she has been residing with her brother at Araria. In that event, it would be almost impossible for her to contest the cases at East Champaran, Motihari. That apart, the petitioner/husband is permanently stationed at Motihari and the opposite party No. 2/wife has serious apprehension that she would be troubled and harassed if she comes to East Champaran, Motihari to contest her case.

In any view of the matter, since some of the cases between the parties are pending before competent



Courts at Araria, there is no good reason for transferring the same to at any Court at East Champaran, Motihari.

No good ground has been made out by the learned counsel for the petitioner to transfer the Complaint Case No. 276 of 2017 from the judgeship of Araria to the judgeship of East Champaran at Motihari.

This petition is, accordingly, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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