

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1186 of 2018

Arising Out of PS.Case No. -430 Year- 2015 Thana -LAKHISARAI District-
LAKHISARAI

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Niju Kumari, W/o Anand Mohan and D/o Ramakant Singh,
R/o village- Babhangama, P.S.- Lakhisarai, District-
Lakhisarai, At present R/o Village- Bariyarpur, P.S.- Baliya,
District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anand Mohan, S/o Arjun Singh, R/o Village-
Babhangama, P.S.- Lakhisarai, District- Lakhisarai.

.... Opposite Party/s

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Appearance :

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

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

For the State : Ms. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 18-07-2018 The counter affidavit which has been filed on
behalf of the opposite party No. 2 is permitted to be kept on
record.

The petitioner/victim seeks transfer of Lakhisarai
P.S. Case No. 430 of 2015, dated 15.06.2015, instituted for
the offences under Sections 341, 323, 307, 376, 511 and
498A of the Indian Penal Code and Section 3/4 of the Dowry



Prohibition Act, from Sessions Division, Lakhisarai to any other Court of competent jurisdiction at Bagusarai.

The reason assigned in the petition for such transfer is that on several occasions, the opposite party No. 2 and his henchmen have threatened the petitioner of dire consequences, in case she ever came to Lakhisarai to contest her case. With respect to the aforesaid occurrences, a written report was made before the Superintendent of Police, Lakhisarai and the Officer-in-Charge of the concerned police station. However, it has been submitted, no action has yet been taken against the opposite party No. 2 or his associates.

Mr. Arun Kumar, learned Advocate appearing for the opposite party No. 2 has, however, submitted that now the trial has commenced and even the father of the petitioner has been examined. He, though, denies to have committed any such act as alleged by the petitioner, but further submits that he shall take precaution of not coming in the way of the petitioner prosecuting her case before the competent Court at Lakhisarai.

In case, any further impediment is created by opposite party No. 2 for the petitioner to effectively contest her case, it would be open for her to approach the Superintendent of Police, Lakhisarai with a written application and the Superintendent of Police shall look into the matter



and direct his subordinate officers accordingly for providing protection to the petitioner.

With the aforesaid observation, the present petition is dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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