

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31840 of 2018

Arising Out of PS. Case No.-266 Year-2010 Thana- DEHRI TOWN District- Rohtas

Rinki Devi, Wife of Shashi Bhushan Dubey @ Shashi Bhushan Ranjan,
resident of Salimpur Ahra, Road No. 3, Police Station- Gandhi Maidan,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shashi Bhushan Dubey @ Shashi Bhushan Ranjan, Son of Shiv Bachan Paswan, at present resident of House No. 533A, Salimpur Ahra, Dwarika Nath Lane No. 3, Police Station- Kadam Kuan, District- Patna.
3. Sharda Devi, Wife of Shiv Bachan Paswan.
4. Ravi Paswan, Son of Shiv Bachan Paswan.
5. Mukesh Paswan, Son of Shiv Bachan Paswan, opposite Party No. 2 to 5 are Permanent Resident of Dehri-on-Sone, Pali Road, Gorhwa Bigha, Kali Asthan, Police Station- Dehri Nagar, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devi Das Srivastava
For the Opposite Party/s : Mr. Sri Binod Kumar 3

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 05-11-2018 The petitioner who is the informant of Dehri Police Station Case No. 266 of 2010 (Trial No. 1018 of 2018) seeks transfer of the case from the court where it is pending in Dehri to any court of equivalent and competent jurisdiction at Patna.

The reason assigned for seeking such transfer is that the petitioner works as Maid Servant at Patna for her livelihood, making it difficult to contest the case at Dehri every time, especially when her son is prosecuting his studies in a school at Patna. The other ground which has been canvassed by the learned counsel for the



petitioner is that on several occasions when the petitioner had gone to Dehri to contest her case, she was ill-treated at the hands of the opposite party no. 2 who is her husband and last of such occasion arose on 05.04.2018 for which a complaint also was lodged before the learned Sub-Divisional Judicial Magistrate, Dehri-on-Sone.

Learned counsel for the petitioner contends that no action was taken on the aforesaid complaint.

Mr. Jitendra Prasad Singh, learned advocate appearing for the opposite party no. 2 has however drawn the attention of this Court to an order dated 19.12.2016 passed by a Bench of this Court in Cr. Misc. No. 53547 of 2016 wherein similar prayer was made by the petitioner but the same did not find favour with the court and the Bench refused to transfer the case from Dehri to Patna. On that occasion also the reason assigned by the petitioner for seeking transfer of the case in question was the difficulty which she was finding in pursuing the case and that the opposite parties had misbehaved with her on two occasions. Those grounds, as stated earlier did not find favour by the Bench and the petition preferred by the petitioner was dismissed.

For the present, this Court also is not inclined to accede to the prayer made by the petitioner as similar



grounds were pressed earlier and those grounds were rejected by a Bench of this Court.

However, considering that the petitioner was troubled and harassed on 05.04.2018, this Court directs that in future, if the petitioner is put to any difficulty at the instance of opposite parties, necessary application shall be made by her before the trial court and the trial court after inquiring into the matter would direct for further action which could be in the nature of a direction for registering of the FIR. If any such unsavory incident takes place at the instance of opposite parties, it would be open for the petitioner to approach this Court again for transfer of the case from the Dehri-on-Sone to any other place of her choice.

With the aforesaid observations, the petition is disposed off.

(Ashutosh Kumar, J)

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