

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7068 of 2019

Arising Out of PS. Case No.-1006 Year-2000 Thana- PATNA COMPLAINT CASE District-
Patna

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Vishwanath Sharma, Son of late Daroga Singh Resident of Mohalla and P.S.-
Budha Colony, District Patna.

... .. Petitioner/s

Versus

1. Gorakh Singh, Son of Raja Singh
2. Sudhir Kumar
3. Niraj Kumar
Both sons of Gorakh Singh
All residents of village- Badipur, P.O- Chiraura, P.S.- Naubatpur, District-
Patna.
4. Baljee Singh, Son of Kamkrit Singh
5. Rajiv Kumar Son of Baljee Singh @ Raju
Both Resident of Village - Bishambharpur, P.O.-Bikram, P.S.- Bikram,
District- Patna
6. Chandrashekhar Singh, Police Inspector-Cum-Officer in Charge Budha
Colony Police Station, Patna (At present retired), residing at Mohalla- Rajiv
Nagar, P.S.- Rajiv Nagar, P.O- Keshari Nagar, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kishore Prasad Singh, Advocate. Mr. Bal Bhushan Choudhary, Advocate.
For the Opposite Party/s	:	Mr. Anil Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-02-2019 This application has been filed for transfer of Complaint

Case No. 1006(c) of 2000 filed by the petitioner against the

Opposite Parties No. 1 to 6 under Section 380 and 448/34 of the

Indian Penal Code. It appears that petitioner has also filed

transfer petition before the Sessions Judge, Patna in Cr.Misc.

Transfer Case No. 136 of 2018 and that has also been dismissed.

2. The ground for transfer of the case is that earlier a case

was filed by the complainant-petitioner, being G.R.No. 295 of



2008, Trial No. 62 of 2018, against the O.P. Nos. 2 and 3, who were acquitted and as such petitioner lodged this case. Further ground is that the O.P.No. 6, a police officer, was absconding in this case but after four years, he appears and has been granted bail by the Presiding Officer and evidence was also closed and as such on that ground petitioner prays for transfer of the case. It has also been submitted that evidence of the prosecution has also been closed without giving proper opportunity to the petitioner. Learned counsel for the petitioners has also relied upon a judgment in the case of *Ran Vijay Singh vs. State of Bihar* reported in 2013 (1) PLJR 245 by which the learned single Judge has transferred the case in similar circumstance.

3. Heard learned APP also.

4. From perusal of the record, it appears that petitioners have not challenged the order granting bail to the O.P. No. 6 nor there is anything to show that he has challenged the judgment in appeal by which the O.P.Nos. 2 and 3 have been acquitted and as there is only apprehension of the petitioner, no cogent material has been brought on record to transfer the case. It further appears that evidence of the witnesses has been closed and case is fixed for final argument.

5. However, on perusal of the judgment, relied upon by



the petitioner, it appears that in that case petitioner has made allegation against the Presiding Officer and the same was withdrawn and considering the same in the judgment, the case was transferred to some other court. But in the present case, no complaint has been made against the Presiding Officer also, nor application for cancellation of bail granted to the O.P. No. 6 has been filed.

6. However, in view of submission of learned counsel for the petitioner that prosecution evidence has been closed, the learned court below on any petition for recall of witness, shall allow three months time to the petitioner to examine his witness.

7. Accordingly, this application is dismissed with above observation.

(Vinod Kumar Sinha, J)

sujit/-

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