

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13092 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Samastipur

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NAVNEET KUMAR Son of Arvind Kumar Resident of Hanuman Nagar,
P.S.Roseara District Samastipur

... .. Petitioner/s

Versus

KUMARI PRIYANKA D/o Sri Shiv Shankar Prasad Yadav Resident of
Village and PO - Dhankutwa, At present residing at Krisachan Quarter, near
Banhuk School, village and PS- Bettiah Mufassil , Distt- Bettiah

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Kumar

For the Opposite Party/s : Mr.Arbind Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-06-2019 This application has been filed for transfer of

Maintenance Case No.70M of 2017 from the court of Principal
Judge, Family Court, West Champaran at Bettiah to the Family
Court, Bhojpur at Ara or Patna or Samastipur or Vaishali at
Hajipur.

Grounds for transfer of the case is that the petitioner is
threatened at Bettiah by the family members of O.P.no.2, for
that he has filed informatory petition to Samastipur and West
Champaran SDJM and also filed informatory petition before
the Director General of Police, Bihar, Patna as well as other
authorities also, as he apprehends danger at Bettiah at the hands
of the hatchmen of O.P.no.2. Further grounds is that the
petitioner has filed a Divorce case at Samastipur under Section



13 of the Hindu Marriage Act, but O.P.no.2 has never appeared in the proceeding. On the above grounds, the petitioner has prayed for transfer of the Maintenance Case from the Family Court , West champaran at Bettiah to any other court at Ara, Patna, Samastipur or Vaishali.

On the other hand learned counsel for the O.P.no.2 has appeared and opposed this application on the grounds that the prayer for anticipatory bail of the petitioner has been refused upto the Hon'ble Apex Court as such this application has been filed for just to make grounds in favour of the petitioner and O.P.no.2 and his family members have never abused or threatened the petitioner and further on query submitted that they are ready to undertake that they will not threaten or abuse the petitioner.

Heard learned APP.

Having heard both sides and from perusal of the record, it appears that the petitioner has filed certain applications showing that he has been threatened and for that he has filed informatory petition before the D.G.P., Bihar, Patna and several other authorities but there is no enquiry on those applications and there is no finding that he has been threatened . On the other hand learned counsel for the O.P. no.2 undertakes



that he will never threaten or abuse the petitioner if he comes at Bettiah to attend the case proceeding.

In such view of the matter, I find no merit in this application, as such this application is dismissed.

It is also made clear that if any such occurrence arises, the petitioner may approach to the S.P., West Champaran at Bettiah, who will enquire into the matter that he really apprehends danger and then he will provide security to him.

(Vinod Kumar Sinha, J)

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