

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19123 of 2019**

Arising Out of PS. Case No.-135 Year-2018 Thana- CHAUTHAM District- Khagaria

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Smita Kumari @ Smita Devi, Wife of Nitin Kumar @ Rushtam, Resident of
Village - Agraham, P.S.- Chautham, District - Khagaria At Present - D/o
Gorelal Mahto, Resident of Village - Manserpur ward no.- 09, P.S.- Ballia,
District - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Nitin Kumar @ Rushtam, Son of Arun Singh, Resident of Village -
Agraham, P.S.- Chautham, District – Khagaria.
 3. Arun Singh, S/o Golu Singh.
 4. Anita Devi, W/o Arun Singh.
 5. Priyanka Kumari, d/o Arun Singh.
 6. Golu Singh, S/o Raghunath Singh.
 7. Makuni Singh S/o Golu Singh.
- All R/o Village Agraham, P.S. Chauthan, District Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mohit Srivastava, Advocate Mr. Vijay Kumar, Advocate
For the Opposite Party/s	:	Mr. Chandan Kumar Kashyap, Advocate
For the State	:	Mr. Ajit Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 27-08-2019 This application has been filed for transfer of Sessions
Trial No. 334 of 2018, arising out of Chautham P.S. Case No.
135 of 2018, G.R. No. 1924 of 2018, from the Court of
Additional Sessions Judge, Khagaria to any Court of competent
jurisdiction in the Judgeship of Begusarai.



The only ground for transfer of the case raised by the petitioner is that whenever she is going to attend the court at Khagaria, she has been threatened at station by the accused. However, in spite of that threat, she has not lodged any complaint either to the court or to the police.

On the other hand, opposite party nos. 2 to 7 appeared and submitted that now the trial has already been begun. One witness has been examined and the apprehension of the petitioner is not well founded as no complaint has been lodged either to the court or to the police. Further submission is that opposite party nos.2 to 7 undertakes that they will not made any threat to her or her witnesses in the Court and they will co-operate in disposal of the case.

Having heard both sides, in view of the submissions made above, the only ground for transfer of the case is of threatening by the accused persons and there is no any supporting document produced by the petitioner either to the police or to the court. As such, apprehension of the petitioner does not appear to have any substance. On the other hand, learned counsel for the opposite parties no. 2 to 7 undertook that will not make any threat to the petitioner or her witnesses in the Court and they will co-operate in disposal of the case. In such,



view of the matter, I find no merit in the transfer application.
Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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