

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40761 of 2019

In
Miscellaneous Jurisdiction Case No.3847 of 2018

Arising Out of PS. Case No.-208 Year-2017 Thana- HILSA District- Nalanda

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DIPANKAR PRIYA, Wife of Dipak Kumar Chaudhary, Resident of house of Sri Prem Nath Singh, Hilsa, P.S.- Hilsa, Distt - Nalanda and D/o Dev Chandra Chaudhary, resident of Mohalla - East Lohanipur, P.S.- Kadamkuan, Distt - Patna.

... .. Petitioner

Versus

SRI DIPAK KUMAR CHAUDHARY, Son of not known Resident of Village - Kanhaiaganj, P.S.- Angari, Distt - Nalanda at present house of Sir Prem Nath Singh Hilsa, P.S.- Hilsa, Distt - Nalanda.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vinay Ranjan
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 23-07-2019 This application has been filed for transfer of case bering Hilsa P.S.Case No. 208 of 2017, corresponding to G.R.No. 695 of 2017, from the court of A.C.J.M.-I, Hilsa, Nalanda to the competent court of jurisdiction Session Division at Patna.

Ground for transfer as per petitioner is that after lodging of the case parents of the petitioner had gone to submit injury report with respect to petitioner to Hilsa Police Station and given their statement before ASI and while they were returning they were intercepted by opposite party and others and assaulted them brutally for which they have lodged an inforamatory petition before the police station.

Heard learned APP and perused the record. From perusal



of the record it appears that petitioner claims to have been assaulted brutally and she was treated at PMCH but except informatory petition no step has been taken either to lodge police case or file complaint before the competent court of jurisdiction. In such view of the matter, submission of the petitioner does not appear to be free from reasonable doubt. Apart from that, learned APP has submitted that it is a police case and police to conduct the prosecution case and petitioner has to appear only on the date fixed for deposition.

Considering the above facts and circumstances, I find no sufficient material to transfer the case from the court of Hilsa to competent court of jurisdiction Sessions Division at Patna. Accordingly, this application is dismissed.

If petitioner feels any apprehension or danger in future, she may approach the Superintendent of Police of the district concerned or before court, who will inquire into the matter and pass an appropriate order for her protection and protection of the witnesses.

(Vinod Kumar Sinha, J)

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