

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37726 of 2019

Arising Out of PS. Case No.-420 Year-2018 Thana- MITHANPURA District- Muzaffarpur

SURYAMUKHI DEVI @ SURYAMUKHI SINGH @ SURYAMUKHI KUMARI Wife of Deepak Singh @ Deepak Kumar, Daughter of Shri Shiv Dutta Ojha Resident of Mohalla- Shiv Shankar Path, Near- Jay Gurudev Kirana, P.S.- Mithanpura, District- Muzaffarpur, presently residing at Village- Senduar Bhagwan Tola, P.S.- Janta Bazar, District- Saran, Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deepak Singh @ Deepak Kumar Son of Shri Nagendra Singh Resident of Mohalla- Shiv Shankar Path, Near- Jay Gurudev Kirana, P.S.- Mithanpura, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-06-2019 Heard the parties.

This application has been filed for transfer of Mithanpura P.S.Case No.420 of 2018 dated 3.11.2018 registered under Section 341, 323, 398(A), 504, 506, 386/34 of the IPC and other Sections of the Indian Penal Code from the court of SDJM, East Muzaffarpur to the competent court of sessions division of Saran at Chapra.

Grounds for transfer of the case is that the petitioner apprehends danger at the hands of her husband at Muzaffarpur, who has criminal antecedent and he is accused in three other cases also.



Further grounds are that when the petitioner had gone to meet her lawyer at Muzaffarpur, the accused persons chased her and for that she has filed a petition before the Sr. S.P., Muzaffarpur and the Officer Incharge, Mithanpura Police Station, as such she apprehends danger at the hands of the accused persons including O.P.no.2 and it is not possible for her to pursue the case and on query, it is submitted that the charge-sheet has been submit but the charges has not been framed.

Heard learned APP.

Having heard both sides and from perusal of the record, it appears that Mithanpura P.S.Case No.420 of 2018 has been lodged by the petitioner herself within the jurisdiction of the court of Saran and now she is making allegation that she apprehends danger at the hands of her husband and she was chased by some persons when she went to meet her lawyer; for that she has filed an application before the Sr.S.P., Muzaffarpur and also Officer Incharge , Mithanpura Police Station, however, it appears that there is no report on those applications available on the record. Further appears that though several persons are named as accused but only husband has been made accused and the occurrence is also within the jurisdiction of Muzaffarpur. It further appears that the case is at the very initial stage and



evidence has not been recorded. Further it appears that this is a police case and not a complaint case.

Considering all the materials available on the record, I find no merit in this case, as such this application is dismissed, however, it is open to the petitioner that if any threatening is given to her, she may move before the Sr.S.P., Muzaffapur and the Sr. S.P., Muzaffarpur is directed to look into the same,when filed and if he finds any substance in the application, he will provide security to the petitioner.

With this observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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