

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15668 of 2018

Arising Out of PS. Case No.-506 Year-2016 Thana- SAHARSA District- Saharsa

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1. Suman Kumari @ Sapna and Anr Daughter of Bola Ram, Resident of Delhi,
 2. Sunita Devi @ Nitu, Daughter of Late Bilkhi, Resident of Dalsinghsarai, Samastipur, both presently residing at Uttar Raksha Grih Nari Niketan, Gayaghat, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Aarti Singh, Wife of Not Known, S.H.O. Mahila, P.S.- Saharsa.
3. Vinod Kumar @ Md. Kamrul, Son of Roopchand Khalifa, Resident of Mohalla- Bhartiya Nagar, Ward No.- 26, P.S.- Saharsa, District- Saharsa.
4. Manju Devi @ Manisha Khatoon, Wife of Vinod Kumar @ Md. Kamrul, Resident of Mohalla- Bhartiya Nagar, Ward No. 26, P.S.- Saharsa, District- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan
For the Opposite Party/s : Mr.Sri Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 25-01-2019 In pursuance of order dated 02.11.2018, a supplementary affidavit has been filed by the petitioner no. 1 and a supplementary affidavit has also been filed on behalf of opposite party no. 3.

The present application has been filed for transfer of Sessions Trial No. 62 of 2017 arising out of Saharsa Sadar P.S. Case No. 506 of 2016 from the court of learned Additional District & Sessions Judge -II, Saharsa to any other Sessions Court at Patna.

Case in short is that on secret information given by an



N.G.O., police party along with the said members of the N.G.O raided the house of opposite party no. 3, Vinod Kumar @ Md. Kamrul, from where, three girls were rescued and further several objectionable articles were also recovered and it is alleged that the said Vinod Kumar @ Md. Kamrul along with his wife forced the recovered girls to establish sexual relationship with other persons.

On the basis of the same, Saharsa Sadar P.S. Case No. 506 of 2016 was registered under Sections 342, 363, 366, 370, 376, 386, 114, 120(B) of the Indian Penal Code and under Section 3, 4, 5, 6, 7 and 9 of Immoral Trafficking (Prevention) Act, 1956 and the statement of the victim girls were also recorded.

It further appears that on petition filed by the victims, they along with two minor children have been transferred from Short Stay Home, Saharsa to Uttar Raksha Grih (Nari Niketan) Gai Ghat, Patna.

The police submitted charge-sheet in the case and cognizance was taken and, thereafter, the case was committed to the court of Sessions and charges were framed against the accused persons and the trial is going on there at Saharsa and pending in the court of learned District & Sessions Judge – II,



Saharsa.

Thereafter, this application has been filed by the two victim girls before this Court for transfer of the aforesaid Trial i.e. Sessions Trial No. 62 of 2017 from Saharsa to any Sessions Court at Patna.

Opposite party nos. 3 and 4 have appeared and they have filed the counter affidavit also.

Grounds for transfer of the aforesaid Sessions Trial is that petitioners are the victims in the case and they apprehends danger at Saharsa, as the accused persons are influential persons. Moreover, they are presently staying at Uttar Raksha Grih (Nari Niketan) Gai Ghat, Patna and they would feel convenient to appear in the trial, if the same is transferred from Saharsa to any other Sessions Court at Patna.

On the other hand, counsel for opposite party nos. 3 and 4 has submitted that the case is at the stage of defense. Moreover, petitioner no. 1 has moved this Court in Cr. W.J.C. No. 1821 of 2018 and this Court has directed for her release by the court of Saharsa, where initially the case was instituted and further, there is no apprehension to any of the petitioners and if the case is transferred to Patna, it may hamper the early conclusion of the trial and opposite party no. 3 and 4 also have



difficulty in appearing in the case at Patna.

Having heard both sides, considering the facts and circumstances of the case, it appears that petitioners are the victims of the case and now they are staying at Uttar Raksha Grih (Nari Niketan) Gai Ghat, Patna and petition has also been filed that they apprehends danger from the accused persons, while going to depose in trial at Saharsa and furthermore, being victim, it will be more convenient to the petitioners to participate in the trial, if the case is transferred to any Sessions Court at Patna. So far objection of learned counsel for opposite party nos. 3 and 4 that the petition has been filed by petitioner no. 1 before this Court as well as before learned Trial Court, Saharsa for her release is concerned, the same can also be pressed before the Sessions Court at Patna itself.

Accordingly, for the ends of justice, it will be expedient to transfer the Sessions Trial No. 62 of 2017 from the Court of learned Additional District & Sessions Judge -II, Saharsa to the court of Sessions Division at Patna and learned District & Sessions Judge, Patna is directed to transfer the case to any running court of the Additional Sessions Judge, so as to conclude the trial within a period of six months.

It is also made clear that learned Additional District &



Sessions Judge -II, Saharsa shall transfer the entire records including the record of commitment to the learned District & Sessions Judge, Patna, within a period of one month by a Special Messenger from the date of receipt/production of a copy of this order.

Needless to say, if any petition is filed on behalf of opposite party nos. 3 and 4, the same shall be considered by the learned Sessions Judge, Patna or by any other Sessions Court, to whom the case is assigned, in accordance with law.

With the above observation and direction, this application is allowed.

(Vinod Kumar Sinha, J)

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