

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62141 of 2018

Arising Out of PS. Case No.-25 Year-2017 Thana- PARSAUNI District- Sitamarhi

Saroj Kumar son of Late Kedar Nath, resident of Village- Bhubanp Chhapra,
P.S. Chakiya, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Javed Aslam
For the O.P.	:	Mr. Krishna Prasad Singh Mr. Hans Lal Kumar
For the Opposite Party/s	:	Mr. Sri Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 19-07-2019 This application has been filed for transfer of Sessions Trial No.562 of 2017 arising out of Parsauni P.S. Case No.25 of 2017 for offences under Sections 302/34 of the IPC and Section 27 of the Arms Act from the court of the learned FTC-II, Sitamarhi to any other court of competent jurisdiction.

From perusal of the record, it appears that earlier he had also filed a transfer petition before the Sessions Judge, Sitamarhi bearing Cr. Misc. No.26 of 2018 and the learned Sessions Judge after hearing both the parties dismissed the transfer petition filed by the petitioner.

Submission of the learned counsel for the petitioner is that he has reasonable apprehension against the Presiding



Officer and he has mentioned in para 8 to 12 of petition that learned F.T.C. was not recording the evidence properly and objection was raised by the petitioner at the time of putting signature but the learned Presiding Officer Judge has not taken notice of the same, as such he apprehends that he will not get justice from that court.

On the other hand the learned counsel for the O.P.Nos.2 to 5 has opposed the transfer application on the ground that the deposition of P.W.6 clearly shows that the P.O. has noted down about fleeing away of four accused persons from the place of occurrence, which is also one of grounds mentioned in petition. Further submission is that if the petitioner was any apprehension, he ought to have raised objection prior to signing the deposition, as such there is no substance in the submission of the learned counsel for the petitioner.

Having heard both sides and from perusal of the record, it appears that the learned Sessions Judge has also rejected the transfer petition on the ground that witnesses has to put his signature after recording of the evidence and if there is any discrepancy in the deposition, the petitioner should have raised objection at that time itself. Further from record it appears that fleeing away of four accused persons , which



according to the petitioner has not been recorded by the P.O.,
has already been mentioned i cross examination.

In view of the above, I find no merit in the
application.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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