

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25798 of 2018

Arising Out of PS. Case No.-620 Year-2016 Thana- MOTIHARI TOWN District- East
Champaran

=====

Kunal Singh S/o Arvind Kumar Singh, R/o C-87, Chandralok Colony,
Kapurthala, P.S.- Aliganj, District- Lucknow Uttar Pradesh.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Nalini Gautam W/o Kunal Singh D/o Mukul Singh, R/o Vill.- Sugar Mill
Quarter, Madhuban Road, P.S.- Chakia, District- East Champaran Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Mayank Shankar, Adv.

For the Opposite Party no.2: Mr. Sanjeev Ranjan, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 08-02-2019 The petitioner-husband has filed the transfer application for transfer of Maintenance Case No.35 of 2017 filed by the O.P. No.2-wife from the court of Principal Judge, Saran to the court of the learned Principal Judge, Family Court, Patna.

2. The grounds for transfer is that the O.P.No.2 has also filed a case under Section 498(A) of the Indian Penal Code at Motihari and in the light of order passed by a Co-ordinate Bench of this Court, vide order dated 19.9.2016 passed in Cr. Misc. No.10541 of 2016, the petitioner appeared before the learned court below at Motihari on 3rd of October, 2016, he was brutally assaulted by the O.P.no.2 and her family members,



Motihari is the *Nanihal* of the O.P.No.2 and as he was assaulted at Motihari; he apprehends danger to his life at Chapra also where the O.P.no.2 resides with his family members.

3. On the other hand the learned counsel for the O.P. No.2 has appeared and submitted that in the maintenance case, two witnesses have been examined including the applicant-wife and his father but no apprehension was shown by the petitioner to the court that he apprehends danger at Chapra and this transfer application has been filed to delay in disposal of the maintenance case. In support of his contention, he has annexed deposition of two witnesses as Annexure P/1 and further submitted that no complaint was lodged to any authority or before the court about apprehension and danger by the opposite party.

4. Having heard both sides and in view of the facts and circumstances, as stated above, whatever occurrence has been caused that happened at Motihri and not at Chapra and even during the examination of the witnesses, he has not shown any apprehension at Chapra and no application has been filed before any appropriate authority for apprehending danger to his life by the opposite party.

5. In such view of the matter, I find no merit in this



application, as such this application is dismissed.

(Vinod Kumar Sinha, J)

chn/-

U		T	
---	--	---	--

