

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31574 of 2018

Arising Out of PS. Case No.-62 Year-2018 Thana- BHAGWAN BAZAR District- Saran

Prabha Devi @ Prabha Kumari Wife of Pratik Prabhakar resident of Mohalla - Veer Kunwar Singh Colony, Kashi Bazar, P.S. - Bhagwan Bazar, Chapra, District Saran at present residing at 218A, 9 to 9 Super Market, 2nd Floor, S.K. Puri, P.S. S.K. Puri, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pratik Prabhakar Son of Vishwambhar Prasad resident of Mohalla - Veer Kunwar Singh Colony, Kashi Bazar, P.S. Bhagwan Bazar, Chapra, District - Saran.
3. Vishwambhar Prasad Son of Late Lakshmi Prasad resident of Mohalla - Veer Kunwar Singh Colony, Kashi Bazar, P.S. - Bhagwan Bazar, Chapra, District - Saran.
4. Saroj Srivastava Wife of Vishwambhar Prasad resident of Mohalla - Veer Kunwar Singh Colony, Kashi Bazar, P.S. Bhagwan Bazar, Chapra, District - Saran.
5. Pallavi Verma D/o Dharendra Nath Verma resident of Balwan Raimal, P.S. - Vishambharpur, District - Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma
For the Opposite Party/s : Mr.Sri Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 30-04-2019 This application has been filed for Bhagwan Bazar P.S. Case No. 62/2018 from the Court of ACJM-IVX, Chapra to any court of competent jurisdiction at Patna.

Ground taken by the petitioner for transfer is that earlier she was residing at Chapra in her Sasural when this case was lodged but thereafter, she shifted to Patna and working in a school as a teacher and residing in Patna, as such, she feels



difficulty in attending the court at Chapra.

On the other hand, learned counsel appearing on behalf of opposite party nos. 2 to 5 have filed the counter affidavit and submitted that a case of domestic violence filed by the petitioner is still pending in Chapra and secondly most of the witnesses are either of district Chapra or of district Gopalganj and furthermore, it is a police case and police has to investigate and pursue the case and petitioner has only to depose in the case, as such, there is not difficulty for the petitioner in attending the Court at Chapra and, therefore, there is no merit in the transfer petition.

Having heard both sides, on perusal of record, it appears that police case has been lodged being Bhagwan Bazar P.S. Case No. 62/2018 against opposite party nos. 2 to 5 under Section 498A, 494, 504 and 506 of the Indian Penal Code. In course of argument, both the parties have agreed that chargesheet has been submitted and cognizance has been taken. It further appears on perusal of charge-sheet that petitioner is the only witness, who resides at Patna whereas remaining witnesses are either from the district Saran or from district Gopalganj and it will not be appropriate that for convenience of the petitioner, other witnesses including accused should be put at difficulty and



further it is a police case and not a complaint case and petitioner has only to depose in the case. Further, a case of domestic violence filed by the petitioner is also pending at Chapra and from the statement, it appears that petitioner is a working lady. Considering all the above aspects of the matter, I find no merit in the instant transfer petition.

Accordingly, the present application is dismissed. Learned Trial Court is directed to expedite the trial.

However, petitioner, if so desire may move the Trial Court for grant of litigation cost from opposite party no. 2, for the days, she attends the court at Chapra and if any such petition is filed the Trial Court shall consider the same and shall pass an appropriate order.

(Vinod Kumar Sinha, J)

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