

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24993 of 2018

Arising Out of PS. Case No.-39 Year-2015 Thana- KUNDWACHAINPUR District- East
Champaran

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Raj Banshi Sah son of Nathuni Sah Resident of Village - Motipur, P.S.
Bairganiya, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
 2. Lal Babu Sah son of Jawahir Sah
 3. Jawahir Sah
 4. Sumitra Devi wife of Jawahir Sah
 5. Raju Sah son of Jawahari Sah
 6. Anju Devi wife of Raju Sah
- All are residents of village Chotka Barwa Bhagwanpur, P.S. Kundwa
Chainpur, District - East Champaran Motihari.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan
For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 30-04-2019 This application has been filed for transfer of Sessions

Trial No. 59 of 2016 and Sessions Trial No. 701 of 2016 arising

out of Kundwa Chainpur P.S. Case No. 39 of 2015 from the

court of learned 14th Additional District Judge, East Champaran,

to a competent court of sessions division of Sitamarhi.

The ground for transfer is that the petitioner
apprehends danger and threat at the instance of the accused
persons and in this respect, he has filed a petition before the
court below, which is Annexure-3 and also before the S.P.,



Motihari, which is Annexure-4 stating that he has been brutally assaulted by the accused persons by fists and slaps in the court premises itself and also on the ground that he is residing at Delhi and feel danger at Motihari.

On the other hand, learned counsel for the opposite party has submitted that the whole allegation is false and concocted and no substantial case has been filed by the petitioner before the police or before the court and the petitioner undertakes that he will cooperate in disposal of the case and will not make any threat to the informant in this case.

Having heard both sides and on perusal of the record, it appears that the petitioner has stated that he has filed a petition before the lower court as well as before the S.P., Motihari, but in spite of direct query, as to whether he has filed any substantial case in the police station or before the court of C.J.M. or any other court, he has not given any satisfactory reply. On the other hand, learned counsel for the opposite party has submitted that the petitioner undertakes that no pressure or torture will be given by the opposite party to the petitioner or his witnesses. So far second ground is that he is residing at Delhi and not feel comfortable at Motihari, that ground does not sustainable as he may have difficulty even at Sitamarhi.



Considering the above fact and circumstances of the case, I feel no merit in this application, as such this application is dismissed with a direction to the learned trial court to proceed with the trial and opposite party will not make any threat to petitioner or to his witnesses.

(Vinod Kumar Sinha, J)

Amjad/-

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