

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28667 of 2018

Arising Out of PS. Case No.-152 Year-2017 Thana- LAKHISARAI District- Lakhisarai

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Dipika Kumari W/o Rajendra Chauhan D/o Late Ram Pyare Prasad, R/o Vill.- Belhariya, P.S.- Ramgarh Chowk, District- Lakhisarai, at present R/o Vill.- Maniyarpur, P.S.- Chandi , District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajendra Chauhan S/o Shiv Nandan Chauha, R/o Vill.- Belhariya, P.S.- Ramgarh Chowk, District- Lakhisarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Sri Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 30-04-2019 Learned counsel for the petitioner is permitted to make necessary correction in para-1 of the petition.

This application has been filed for transfer of G.R. Case No. 453 of 2017 arising out of Lakhisarai (Ramgarh Chowk) P.S. Case No. 152 of 2017 under Section 498(A) and other Sections from the court of learned Chief Judicial Magistrate, Lakhisarai to any court of learned Chief Judicial Magistrate, Nalanda at Biharsharif.

Ground for transfer is that at the time of lodging the case, the petitioner was residing at Lakhisarai, however, she has ousted from there and now she is residing at Biharsharif and she was dependent on his father, but he also died and she has not



other source of income and not getting maintenance also and as such, she feel difficulty in going to Lakhisarai on every date and pursue the case. However, the maintenance case has been filed by the petitioner is still going in the Family Court, Biharsharif.

On the other hand, learned counsel for the opposite party no.2 has appeared and submitted that he is suffering from several diseases and it is not possible for him to come to Biharsharif on each and every date to pursue the case and as such he opposed the prayer for transfer of the case. However, on enquiry, he has stated that he is coming to Biharsharif to pursue the maintenance case filed by the petitioner.

While considering the transfer petition, the convenience of both the parties has to be considered and kept in mind and in the present case, the petitioner is a lady and no source of income and also her father died. In such a situation, considering the difficulty of the petitioner, I think it proper to allow this petition.

In such view of the matter, this transfer petition is allowed and G.R. Case No. 453 of 2017 arising out of Lakhisarai (Ramgarh Chowk) P.S. Case No. 152 of 2017 is transferred from the court of learned Chief Judicial Magistrate, Lakhisarai, to the court of learned Chief Judicial Magistrate,



Nalanda at Biharsharif.

Both the parties are directed to cooperate in disposal of the case.

Learned Chief Judicial Magistrate, Lakhisarai, is directed to send complete record of the case to the Chief Judicial Magistrate, Nalanda at Biharsharif, at once.

Accordingly, this transfer application is allowed.

(Vinod Kumar Sinha, J)

Amjad/-

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