

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43459 of 2018

Arising Out of PS. Case No.-62 Year-2011 Thana- DURGAWATI District- Bhabhua (Kaimur)

Deepak Chaubey @ Deepak Kumar Chaubey Son of Late Rajbansh Chaubey,
Resident of Village- Awarhiya, P.S.- Durgawati, District- Kaimur at Bhabua.

... .. Petitioner

Versus

1. The State Of Bihar
2. Bharat Singh, Son of Hawaldar Singh,
3. Amit Singh, Son of Bharat Singh, Both resident of Village- Awarhiya, P.S.-
Durgawati, District- Kaimur at Bhabua.
4. Prabhat Singh, Son of Jagdish Singh, Resident of Village- Beuri, P.S. Chand,
District- Kaimur at Bhabhua.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg
For the Opposite Party/s : Mr.Sri Satyavarat Verma

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-02-2019 Heard the parties.

This application has been filed for transfer of Sessions Trial No. 33/12 -86/2017 from Fast Track Court No. 1, Kaimur to any other Court of competent jurisdiction of Kaimur district.

Ground for transfer of above mentioned Sessions Trial is that the petitioner, who is informant of the case, has filed a petition under Section 311 Cr.P.C. and the same was dismissed without hearing the petitioner and further ground is that one of the opposite parties i.e. opposite party no. 4 is said to be the relative of Presiding Officer, Fast Track Court No. 1, Kaimur and there is certainty of acquittal of the accused person.



However, learned counsel for the petitioner, on query by this Court, has stated that the Nanihal of the Presiding Officer is in the village of respondent no. 4 but no document has been brought on record.

Learned counsel for the opposite party nos. 2 to 4 had drawn the attention of this Court towards Annexure -2, which is the petition filed under Section 311 Cr.P.C, and submitted that although the application has been filed but the same was not pressed, which appears from endorsement on Annexure -2 and due to which, the same was rejected vide order dated 25.04.2018 and it further appears that against the said rejection, the petitioner has not preferred any appeal or any revision and when the case was posted for argument, this application has been preferred. It has also been submitted by learned counsel appearing on behalf of opposite party nos. 2 to 4 that though it is claimed that Presiding Officer, Fast Track Court No. 1, Kaimur is distant relative of opposite party no. 4, however, no material has been brought on record.

Having heard both sides, considering the fact that although it has been alleged that one of the opposite parties is the relative of Presiding Officer, Fast Track Court No. 1, Kaimur but no material has been brought on record by learned



counsel for the petitioner in support of his contention and as the petition preferred by the petitioner under Section 311 Cr.P.C. has not been pressed in the court below, the same was dismissed, as such, I find no merit in the instant transfer application and the same is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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