

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45559 of 2019**

Arising out of PS. Case No.-176 Year-2010 Thana- MUFFASIL District- West Champaran

Adalat Hussain, S/o late Shekhawat Hussain, R/o Village- Beldari, P.S.-  
Bettiah Muffasil, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rabeya Khatoon, w/o Late Naushad Alam, R/o village- Beldari, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      23-07-2019

1. The petitioner seeks transfer of this application of Sessions Trial No.389 of 2012 arising out of Bettiah Muffasil P.S. Case No.176 of 2010, under Sections 147, 148, 149, 302 & 506 of IPC from the Court of learned 7<sup>th</sup> Additional Sessions Judge, West Champaran, Bettiah to any other court of competent jurisdiction in the Sessions Division of West Champaran.

2. The ground for transfer of the case is that he has apprehension not to get justice from the Trial Court as the Pairavikar of the present case is in collusion with the Presiding Officer and they are providing vehicle and other articles to the Presiding Officer.

3. It further appears that earlier the petitioner has also filed transfer application bearing Criminal Misc. No. 12 of 2019 before the 07<sup>th</sup> Additional Sessions Judge, West Champaran, Bettiah and a report was called for from the court concerned, which is



Annexure 3 to this application, which disclosed that the Presiding Officer has denied the same and also pointed out that petitioner is a habitual transfer seeker. He has filed two transfer petitions earlier also in the year 2018 and 2016 for transfer of Sessions Trial. Considering the report of learned Presiding Officer, the learned Sessions Judge has dismissed the transfer application, vide order dated 27.05.2019 passed in Criminal Misc. No.12 of 2019.

4. Having heard both sides, in view of the facts and circumstances, as discussed above, I find no merit in this application, rather it appears that the application has been filed with an intention to delay the trial. Though in such type of cases, the court may impose heavy cost against the petitioner, but in the interest of justice, I am not going to pass any costs. However, the learned Trial Court is directed to proceed with the trial without going any unnecessary adjournments, so that the trial be concluded without any further delay. At the same time, the petitioner is also directed to co-operate in disposal of the trial, otherwise, the Trial Court is at liberty to cancel the bail bonds of the petitioner.

5. Accordingly, this application stands dismissed.

**(Vinod Kumar Sinha, J)**

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