

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66506 of 2018

In
Miscellaneous Jurisdiction Case No.2317 of 2018

Arising Out of PS. Case No.-29 Year-2017 Thana- DUMRA District- Sitamarhi

Rakesh Kumar , son of Sri Dashrath Prasad Sinha, resident of village New Area, Sikandarpur Ward No. 14, behind Prabhat Zarad factory, Muzaffarpur, the proprietor of Sinha Photostat and Digital Studio, Court Campus, Dumra, Sitamarhi

... .. Petitioner

Versus

1. Ashutosh Kumar Verma, son of Late Ganga Prasad Verma, resident of Jail Road, P.S. Dumra, Dist. Sitamarhi
2. Sunil Sah
3. Ajodhi Sah, both sons of Ramdeo Sah, resident of Khajuriya, P.S. Dumra, Dist. Sitamarhi
4. The State of Bihar

... .. Opposite Parties

with

CRIMINAL MISCELLANEOUS No. 68272 of 2018

Arising Out of PS. Case No.-45 Year-2018 Thana- DUMRA District- Sitamarhi

Rakesh Kumar, Son of Sri Dashrath Prasad Sinha, Resident of Village- New Area, Sikandarpur Ward No.14, Behind Prabhat Zarad Factory, Muzaffarpur, the Proprietor of Sinha Photostate and Digital Studio, Court Campus, Dumra, Sitamarhi.

... .. Petitioner

Versus

1. The State Of Bihar
2. Ashutosh Kumar Verma, Son of Late Ganga Prasad Verma, Resident of Jail Road, P.S.- Dumra, District- Sitamarhi.
3. Sunil Sah,
4. Ajodhi Sah, Both Sons of Ramdeo Sah, Resident of Khajuriya, P.S.- Dumra, District- Sitamarhi.

... .. Opposite Parties

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66506 of 2018)

For the Petitioner/s : Mr.Prahalad Kumar Bhagat

For the Opposite Party/s : Mr. Pramod Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 68272 of 2018)

For the Petitioner/s : Mr.Prahalad Kumar Bhagat

For the Opposite Party/s : Mr. Satyavarat Verma



CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 14-05-2019 Since both the cases have been filed by the same petitioner for transfer of two different cases from the same court and the parties are the same, they have been taken up together for disposal.

Cr.Misc.No.66506 of 2018 has been filed for transfer of Dumra P.S.Case No. 29 of 2017 (G.R.No. 484 of 2017), registered under Sections 379, 427 and 461 IPC, from the court of the Chief Judicial Magistrate, Sitamarhi to the court of the Chief Judicial Magistrate, Muzaffarpur and Cr.Misc.No. 68272 of 2018 has been filed for transfer of Dumra P.S.Case No. 45 of 2018 (G.R.No. 403 of 2018), registered under Sections 379, 427, 504, 506 and 34 IPC, from the court of the Chief Judicial Magistrate, Sitamarhi to the court of the Chief Judicial Magistrate, Muzaffarpur.

The ground for transfer of both the cases is that opposite party Ashutosh Kumar Verma is the President of the local Bar Association and one of the accused in the case and as such petitioner apprehends that he will not be getting any justice from the Sitamarhi court and the Advocate is in collusion with the said Ashutosh Kumar Verma.

However, from perusal of the record it appears that in



Dumra P.S.Case No. 29 of 2017 final form has been submitted by the police and the case is fixed for argument at the acceptance of the final form and so far other case is concerned (Dumra P.S.Case No. 45 of 2018), the case is still under investigation and as such the apprehension of the petitioner that he will not be getting justice from the Sitamarhi court appears to be baseless.

In view of above facts and circumstances, I find no merit in both the application, which are, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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