

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52266 of 2019

Arising Out of PS. Case No.-2524 Year-2012 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. KUMOD KUMAR @ KUMOD KUMAR CHAUDHARI Son of Late Balesh Prasad Chaudhary Resident of Village - Rasidpur, P.S.- Bacchwara, District - Begusarai.
 2. Santosh Kumar Sharma Son of Sri Pramod Kumar Sharma Officer-in-charge Adampur, P.S. and P.O.- Bhagalpur, Presently Posted as- Officer incharge, P.S.- Matihani, District - Khagaria.
 3. Sanjay Kumar Biswas Son of Sri Haldhar Prasad Biswas Officer-in-charge of Tatarpur, P.S.- Bhagalpur, District - Bhagalpur. Presently posted as- Officer in-charge, P.S.- Alauli, District - Khagaria.
 4. Equabal @ Mister Khan @ Mister Miya Son of Md. Suleman Khan Resident of Mohalla - Rahmatbag, P.S. - Madhusudanpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Rustam @ Md Minu Son of Md. Yasin Resident of Village - Khilafat Nagar, P.S.- Habibpur, Dist.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr. Vijay Kumar, Adv.
For the Opposite Party/s :		Mr.Dr. Indiar Kumari, APP.
For Opposite Party No. 2:		Mr. Praveen Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 23-10-2019 Petitioners have moved this Court against the order dated 28.06.2019 passed by the learned Sessions Judge, Bhagalpur, in Cr. Misc. Petition No. 46/2019, by which, Sessions Trial No. 549/2015 pending in the court of learned Additional Sessions Judge -VII, Bhagalpur has been transferred to learned Additional Sessions Judge -V, Bhagalpur.

Submission of learned counsel for the petitioner is



that without notice to the petitioners, the case has been transferred to the court of learned Additional Sessions Judge -V, Bhagalpur, which is illegal and against the principle of natural justice.

On the other hand, learned counsel for opposite party no. 2 has appeared and submitted that due to the serious charges, the earlier Presiding Officer has been put under suspension and disciplinary proceeding has been initiated against him by the High Court and, therefore, no purpose will be served by quashing the order.

Considering the above facts and circumstances, I am not inclined to interfere with the order passed by the learned Sessions Judge, Bhagalpur in Cr. Misc. Petition No. 46/2019, as it will only delay the trial.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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