

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56067 of 2019

Arising Out of PS. Case No.-190 Year-2016 Thana- BARGAINIA District- Sitamarhi

NAJIA KHATOON @ GUDIA Wife of Imran Khan, D/o Badrujama Kha
Resident of Village - Manjhi, Malitola, P.S.- Manjhi, dist.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jameel Akhtar Khan Son of Late Salim Khan Resident of Village - Bhakurahar, P.S.- Bairginia, Dist.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Alok Kumar Sinha

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-09-2019 Heard the parties.

This application has been filed for transfer of Bairgania P.S. Case No. 190 of 2016. Tr. No. 1132 of 2017 from the court of learned ACJM -III, Sitamarhi to any other court of competent jurisdiction at Chapra.

Ground for transfer is that petitioner has been ousted from her matrimonial house by the opposite party no. 2 – husband, for which, she has lodged a case under Section 498A of the Indian Penal Code, which is pending at Chapra, and, thereafter, the present case has been lodged and she is economically very poor also and she has to maintain herself and her children, as such, she feels difficulty in attending the court at



Sitamarhi. Another submission is that she also apprehends danger in attending the court at Sitamarhi as her husband is muscle man of the area.

Having heard the parties, so far transfer petition is concerned law provides that a case can be transferred only when there is apprehension that fair trial would not be done and further the convenience of both the parties and the witnesses has to be seen. In the present case, though it has been submitted by learned counsel for the petitioner that she apprehends danger in attending the court at Sitamarhi but she has not lodged any complaint before the court concerned or before the police and mere plea that she apprehends danger cannot be a ground for transfer of the case. So far other ground that she is poor and is unable to go to Sitamarhi, is concerned, the same cannot be acceded to as transfer of a case involves the convenience of both the parties including witnesses.

In view of the above, I do not find any merit in the present transfer application and the same is accordingly dismissed.

(Vinod Kumar Sinha, J)

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