

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33200 of 2018

Arising Out of PS. Case No.-3340 Year-2014 Thana- PURNIA COMPLAINT CASE District-
Purnia

=====

Rahul Kumar Singh @ Bambam Kumar Son of Sri Maheshwar Prasad Singh,
Resident of Village- Auliabad, Jhandapur, P.S.- Thana Bihpur, Distt-
Bhagalpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sita Devi, Wife of Rahul Kumar Singh @ Bambam Kumar, Daughter of
Chattu Mahaldar,
Resident of Village- Sarsi, Godhi Tola, P.S.- Sarsi, Distt- Purnia.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha
For the Opposite Party/s : Mr.Sri Sanjay Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 23-04-2019 This application has been filed for transfer of

Complaint Case No.3340 of 2014 under Section 498A and other

Sections of the Indian Penal from the court of SDJM, Purnia as

well as Maintenance Case no.244M/2016 from the court of

Principal Judge, Family Court, Purnia to the court of Principal

Judge, Family Court, Bhagalpur or any other court.

The grounds for transfer of the application is that

while the petitioner was attending the court at Purnia, he was

surrounded by the brother of the O.P.no.2 and some unknown

persons and they threatened to kill him and for that he has filed

a petition before the local Sarpanch, SDM, Purnia, S.P.



Navgachiya, Officer -in-Charge Thana, Bihpur and Officer -in-Charge, Jhandapur, which he has annexed as Annexure-4 and thereafter sensing danger to his life, he has filed Sanha No.885 of 2016 , which is Annexure-5. It is also the case that when situation did not improve, he informed the court about the same, praying for police security and on the direction of the Principal Judge, Family Court, the security was provided to him on his own cost. It is also his case that the petitioner is apprehending danger to his life at Purnia and as such he has prayed for transfer of the case. Further the petitioner has fairly admitted that the Complaint Case is fixed for evidence of the petitioner side and the maintenance case is also fixed for his evidence.

On the other hand the learned counsel for the O.P.no.2 has opposed the transfer on the ground that the whole allegation is false and concocted. O.P.no.2 or his brother or any family members have never made any threat to the petitioner and there is no criminal case lodged with respect to any occurrence met with the petitioner and he is in the habit of filing such petitions and never went before the Police Officer or the Police Station and no substantial case has been lodged in that connection. Further submission is that O.P.no.2 is not getting maintenance and she is residing with his brothers and other family members



and dependent on them as such if the case is transferred from Purnia to Bhagalpur or at any other place, the O.P.no.2 has to face financial problem in travelling to Bhagalpur all the time .

In view of the above facts and as there is no substantial case available on the record in support of allegation of the petitioner that he has been threatened except that he had moved before the Principal Judge, Family Court about the same.

In such view of the matter, I find no any materials to transfer Complaint Case no. 3340 of 2014 from the court of SDJM, Purnia to Bhagalpur or Maintenance Case No.244M/2016 from the court of Principal Judge, Family Court, Purnia to the Principal Judge, Family Court, Bhagalpur rather both the courts are directed to expedite the trial as well as proceedings and at the same time, if petitioner files such an application again, the S.P., Purnia will get it verified and if found true, he will provide security to the petitioner.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

chn/-

U		T	
---	--	---	--

