

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85316 of 2019

Arising Out of PS. Case No.-27 Year-2018 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

SUNITA TIWARI W/o Arun Tiwari R/o Village- Bharatpura, P.S.- G.B. Nagar
Tarwara, District- Siwan.

... .. Petitioner

Versus

1. The State of Bihar
2. Nagendra Tiwari Son of Nand Kishre Tiwari Resident of Village- Nathanpura, P.S.- G.B. Nagar Tarwara, District- Siwan, at present R/o Sudin Chowk, P.S.- K. Hat, District- Purnea.
3. Lalan Tiwari Son of Nand Kishre Tiwari Resident of Village- Nathanpura, P.S.- G.B. Nagar Tarwara, District- Siwan, at present R/o Sudin Chowk, P.S.- K. Hat, District- Purnea.
4. Nand Kishore Tiwari Son of Late Kishun Tiwari Resident of Village- Nathanpura, P.S.- G.B. Nagar Tarwara, District- Siwan, at present R/o Sudin Chowk, P.S.- K. Hat, District- Purnea.
5. Sunaina Devi Wife of Nand Kishore Tiwari Resident of Village- Nathanpura, P.S.- G.B. Nagar Tarwara, District- Siwan, at present R/o Sudin Chowk, P.S.- K. Hat, District- Purnea.
6. Reena Devi Wife of Lalan Tiwari Resident of Village- Nathanpura, P.S.- G.B. Nagar Tarwara, District- Siwan, at present R/o Sudin Chowk, P.S.- K. Hat, District- Purnea.
7. Navin Tiwari Son of Nand Kishore Tiwari Resident of Village- Nathanpura, P.S.- G.B. Nagar Tarwara, District- Siwan, at present R/o Sudin Chowk, P.S.- K. Hat, District- Purnea.
8. Priyanka Kumari D/o Nand Kishore Tiwari Resident of Village- Nathanpura, P.S.- G.B. Nagar Tarwara, District- Siwan, at present R/o Sudin Chowk, P.S.- K. Hat, District- Purnea.
9. Pawan Tiwari Son of Guru Charan Tiwari R/o Madhwapur, P.S.- G.B. Nagar, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-03-2020 The petitioner in this Case is the informant of Rail
P.S. Samastipur Case No. 27 of 2018 registered under Sections
304B, 120B/34 of the Indian Penal Code. The petitioner is now



seeking transfer of the said case which is pending in the court of learned A.D.J. III, Samastipur in which the trial has already begun to the court of learned Sessions Judge/A.D.J. in the district of Siwan.

Learned counsel for the petitioner submits that although the case was registered by the informant at the place of occurrence, at this stage the petitioner has apprehension that if she goes to depose in course of trial, she might have some security issues and as such in order to safely participate in the trial, the petitioner is seeking transfer of the case.

Learned counsel for the State submits that on a bare reading of the present application it will appear that save and except some bald statements saying that the petitioner feels that for purpose of safety and security, the case be transferred, there is no foundation of fact giving such apprehension in the mind of the petitioner.

It is submitted that the trial has already begun as one of the witnesses has already been examined in course of trial and in absence of there being any material to support the plea of the petitioner, she has not got any safety or security issue, this Court need not transfer the trial of the case at this stage.

Having heard learned counsel for the parties, this



Court agrees with the submission of learned counsel for the State.

On going through the pleadings of the present application, this Court finds no statement at all giving any reason as to why and how all of a sudden such apprehension of safety and security came up in the mind of the petitioner. It is the petitioner who has lodged the FIR and all through participated so far. At this stage, this Court finds no reason to shift the trial of the case as the trial has already begun and one of the prosecution witnesses has been examined.

This application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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