

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16879 of 2022

Arising Out of PS. Case No.-173 Year-2019 Thana- BELSAND District- Sitamarhi

Jamuni Devi Wife Of Shyam Kishore Mahto @ Upendra Mahto @ Upendra Mandal Resident Of Village - Pachnaur, Tole Ganeshpur Ward No.- 09, P.S.- Belsand, District - Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar
2. Manoj Mahto Son of Prasad Mahto R/O village - Baghauli Sunparwa, P.S.- Runnisaidpur, Dist.- Sitamarhi.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Krishna Ranjan, Advocate

For the Opposite Party/s : Mr. Bal Mukund Pd Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-06-2022 Instant petition has been filed for transfer of criminal trial of Sessions Trial No. 99/2020, pending in the Court of Additional Chief Judicial Magistrate I, Sitamarhi from Sitamarhi Judiciary to Muzaffarpur Judiciary.

Learned counsel for the petitioner submits that after institution of the present case, opposite parties are giving threat and as a result entire family members including husband of the petitioner have left the native village and are residing in Muzaffarpur town. The husband of petitioner is handicapped and is totally dependent on the petitioner. As such, counsel for petitioner submits that for fair and impartial trial it would be just and proper that the case may be transferred from Civil Court, Sitamarhi to Civil Court, Muzaffarpur.



Learned counsel for the other side opposed the prayer and submits that mere apprehension which is based on no evidence cannot be a ground for transfer.

Heard learned counsel for the petitioner and the State.

In absence of any document or a chit of paper, mere apprehension of the petitioner is no ground for transfer of the case. Apprehension of threat is imaginary based on conjectures and surmises. This application sans merit and is accordingly dismissed.

(Prabhat Kumar Singh, J)

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