

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21113 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- MUFFASIL District- West Champaran

1. Mrs. Meera Sharma W/o Shanti Swarup Sharma Resident of Chaturbhuj Thakur Marg, Kalambagh Road, P.S.- Kalambagh, Road, District- Muzaffarpur.
2. Shakti Swarup Sharma S/o Late Shiv Swarup Sharma Resident of Chaturbhuj Thakur Marg, Kalambagh Road, P.S.- Kalambagh, Road, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandrika Prasad S/o Late Paras Nath Prasad Resident of Mohalla- Sant Ghat, P.S.- Bettiah Town, District- Bettiah.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-06-2022 Heard counsel for the parties.

This application has been filed for transfer of anticipatory bail application no. 1961 of 2021 arising out of Bettiah Muffasil PS Case No. 245 of 2021 registered under Sections 467, 468, 471, 420/34 of the Indian Penal Code.

It is submitted on behalf of petitioners that after coming to know about the present case petitioners filed their anticipatory bail application bearing no. 1961 of 2021 dated 17.09.2021 in the court of learned Sessions Judge, Bettiah through lawyer Shailendra Kumar Verma on 18.09.2021.



However, when the case was taken up, advocate Shailendra Kumar Verma withdrew himself from the case and informed the petitioners that a show cause notice has been issued to him from the District Bar Association, Bettiah as to why his membership be not cancelled. The Bettiah Bar Association has taken a resolution that no lawyer from Bettiah Bar will be allowed to appear in the case in which the informant/complainant are the local advocate. The petitioners having no option engaged a lawyer from Patna to argue the case and for his assistance a lawyer from Bagaha was also engaged. It is further submitted that at the time of hearing of bail application large number of local counsels came in the court room and the case was adjourned on several dates. Subsequently, on 17.12.2021 the case was transferred to the court of Sessions Judge, Bettiah. On 10.03.2022 when the date was fixed in this case, aunt of petitioner's counsel expired and petitioner's counsel could not appear. On the next date, 11.03.2022, petitioner's counsel appeared and the case was adjourned for 04.04.2022. On 04.04.2022, counsel for petitioner was present before the court of Sessions Judge and the court asked him to call his client to Bettiah for compromise and pleaded to pass an order not to take any coercive step. Thus, in this background, the present



application has been filed by the petitioner having apprehension that under the pressure of local Bar they will not get justice. After filing of the case on 17.09.2021, fourteen adjournments have been granted only with intention to fulfill the demand of local lawyers.

Considering the facts and circumstances and the facts narrated above, for the end of justice, the trial court is directed to dispose of the bail application of the petitioner on its merit, within a period of four weeks from the date of receipt/production of a copy of this order.

With this observation, this application is disposed of.

(Prabhat Kumar Singh, J)

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