

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44206 of 2019

Arising Out of PS. Case No.-1621 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Anuradha Kumari Wife of Sri Subodh Kumar Jha Daughter of Sri Narendra Jha, H. No. 1008, Ajam Nagar, Keori Tola, West from Durga Mandir, P.O.- Lalbagh, P.S.- L.N. Mithila University, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Subodh Kumar Jha Son of Sri Vimleshwar Jha Resident of Flat No. 202, Anandi Apartment, Arrahgarden (Tapeswarnagar), P.S.- Rupaspur, District - Patna.
3. Vimleshwar Jha Son of Late Saryu Jha Resident of Flat No. 202, Anandi Apartment, Arrahgarden (Tapeswarnagar), P.S.- Rupaspur, District - Patna.
4. Arti Jha Wife of Vimleshwar Jha Resident of Flat No. 202, Anandi Apartment, Arrahgarden (Tapeswarnagar), P.S.- Rupaspur, District - Patna.
5. Prashant Kumar Son of Sri Vimleshwar Jha Resident of Flat No. 202, Anandi Apartment, Arrahgarden (Tapeswarnagar), P.S.- Rupaspur, District - Patna.
6. Priyanka Bharti Wife of Sri Prashant Kumar Resident of Flat No. 202, Anandi Apartment, Arrahgarden (Tapeswarnagar), P.S.- Rupaspur, District - Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Viveka Kumar Singh Mr.Durga Nand Jha
For the respondent	:	Mr. Anjani Kumar Jha
For the Opposite Party/s	:	Mr.Ashok Kumar

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 16-11-2022 This is an application for transfer of complaint case being Complaint Case No. 1621(C) of 2018 from the court of Sub-Divisional Judicial Magistrate, Patna to any competent court at Darbhanga.

Petitioner is estranged wife of Opposite Party No. 2.

Petitioner has filed criminal case being Rupaspur PS Case No.



138 of 2012 under Section 498(A) of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act against the Opposite Party.

The petitioner seeks transfer of the case on the following grounds:-

(1.) that the Judicial Officer is biased against her.

(2.) petitioner has genuine fear and threat to her life by the Opposite Party and lastly,

(3.) on the ground of convenience as petitioner finds it difficult to travel a distance of more than 150 Km from Darbhanga where she is residing with her parents to attend the court at Patna.

Counsel for Opposite Party No. 2 opposed the prayer for bail and submits that in order to delay the trial, the present application has been filed. The grounds which has been taken by the petitioner is baseless and imaginary and is required to be reasonable and not imaginary and there is no evidence with regard to threatening.

Heard counsel for the parties.

Apprehension of not getting fair and impartial trial has to be reasonable. The plea of inconvenience for transferring the cases from one court to another, on the basis of time taken to



travel to the court conducting the case, is accepted, the provision contained in Cr.P.C conferring jurisdiction to try cases would become meaningless. Lastly, the plea of petitioner that the complainant has threatened the petitioner of dire consequence, if petitioner and other co-accused persons attend the court proceedings, cannot be a valid ground for transfer of the case to one court to the other court. In this case, the apprehension of petitioner is based on conjectures and surmises. There is no evidence with regard to threatening.

Accordingly, this transfer application is dismissed being devoid of merit.

(Prabhat Kumar Singh, J)

vinita/-

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

