

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1488 of 2018

Arising Out of PS. Case No.-513 Year-2016 Thana- SIWAN MUFFASIL District- Siwan

Shraddha Pandey D/O of Late Arun Kumar Pandey S/o Late Sahdeo Pandey
F/o Shardha Pandey, permanent resident of Village- Kusheshwar, P.S.-
Sahpur, District- Bhojpur at Present resident of Village Mohalla- Railway
Colony, Samastipur, P.S. Town Nagar, District- Samastipur ... Petitioner
Versus

1. The State Of Bihar
2. Pashupati Nath Pandey S/o Late Fulena Pandey
3. Pushpa Devi W/o Pashupati Nath Pandey
4. Bullet Pandey S/o Pashupati Nath Pandey
5. Ravi Pandey @ Tuna Pandey S/o Pashupati Nath Pandey
6. Vinay Pandey S/o Pashupati Nath Pandey
7. Anu Devi W/o Vinay Pandey All 2 to 7 resident of Village- Mohoddipur, P.S.
Siwan M, District- Siwan Opposite Parties

Appearance :

For the Petitioner	:	Mr. Md. Wailur Rahman, Advocate and Mr.Nishant Kumar Sinha, Advocate
For the State	:	Mr. Sakir Ahmad, Addl Public Prosecutor
For o.p no.2 to 7	:	Mr. Ranjan Kr.Dubey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
CAV JUDGMENT

Date : 25-08-2022

By filing Interlocutory Application No. 1 of 2019, learned counsel appearing for the petitioner seeks permission to substitute daughter of the original petitioner, namely, Shraddha Pandey, in place of original petitioner Arun Kumar Pandey, who died during pendency of the present application. He submits that Shraddha Pandey is wife of opposite party no.4 and she is the victim of the instant case, whereas original petitioner Arun Kumar Pandey is the informant of the case.

For the reasons stated in the I.A., the same is allowed. Let the name of Shraddha Pandey be substituted in place of original petitioner Arun Kumar Pandey.



Heard learned counsel for the petitioner as well as the State and other opposite parties.

The petitioner has preferred the present petition seeking transfer of Siwan Muffasil P.S. Case No. 513 of 2016/GR No.5055 of 2016, instituted for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, from Siwan to any other Court of competent jurisdiction at Samastipur.

It is submitted on behalf of the petitioner that the petitioner was married to opposite party No. 4 at Siwan, where she was subjected to ill-treatment, cruelty and was asked to bring additional dowry. She was also thrown out from her matrimonial home. Consequently, her father (original petitioner) had to file a case at Siwan for the aforesaid offences. Presently, the petitioner resides at Samastipur which is 200 kilometers away from Siwan and in this situation, it is difficult for her to pursue the case at Siwan Court because of financial incapability. Petitioner has also the apprehension of danger in going to Siwan Court as the opposite parties live in Siwan. It is also the submission of the petitioner that the Divorce Case No. 323 of 2016, filed by opposite party no.4, has also been transferred from Siwan Court to the Samastipur Court by this Court



vide judgment dated 4.7.2019, passed in Cr.Misc.No. 3752 of 2017 (Annexure 3 to the supplementary affidavit).

Learned counsel for the opposite party nos. 2 to 7 opposes the prayer of the petitioner submitting that only with a view to harass opposite parties, petitioner is seeking transfer of this case to Samastipur Court from Siwan Court as the opposite parties live in Siwan.

In view of the fact that already Divorce Case No. 323 of 2016, filed by opposite party no.4, has already been transferred from Siwan Court to the Samastipur Court vide judgment dated 4.7.2019, passed in Cr.Misc.No. 3752 of 2017 (Annexure 3 to the supplementary affidavit), it would be appropriate that the instant case, i.e.,Siwan Muffasil P.S. Case No. 513 of 2016/GR No.5055 of 2016, instituted against opposite party no. 2 to 7 should also be transferred to Samastipur Court from Siwan Court.

With the aforesaid directions, this petition is allowed.

(Prabhat Kumar Singh, J)

Shashi

AFR/NAFR	NAFR
CAV DATE	17.8.2022.
Uploading Date	25.8.2022.
Transmission Date	

