

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35124 of 2023**

Arising Out of PS. Case No.-920 Year-2019 Thana- ROHTAS COMPLAINT CASE District-  
Rohtas

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1. OM JYOTI BHAGAT Wife of Rajeev Kumar Bhagat Resident of Station Road Dumraon, ward no. 4, P.S. - Dumraon, Distt. - Buxar
  2. PRITI BHAGAT Wife of Manoj Kumar Bhagat Resident of Station Road Dumraon, ward no. 4, P.S. - Dumraon, Distt. - Buxar
  3. RAJEEV KUMAR BHAGAT Son of Sachidanand Bhagat Resident of Station Road Dumraon, ward no. 4, P.S. - Dumraon, Distt. - Buxar
  4. MANOJ KUMAR BHAGAT Son of Sachidanand Bhagat Resident of Station Road Dumraon, ward no. 4, P.S. - Dumraon, Distt. - Buxar
  5. VINOD KUMAR BHAGAT Son of Sachidanand Bhagat Resident of Station Road Dumraon, ward no. 4, P.S. - Dumraon, Distt. - Buxar
  6. ASHWINI KUMAR BHAGAT Son of Sachidanand Bhagat Resident of Station Road Dumraon, ward no. 4, P.S. - Dumraon, Distt. - Buxar
  7. SUDHANSHU KUMAR BHAGAT Son of Rajeev Kumar Bhagat Resident of Station Road Dumraon, ward no. 4, P.S. - Dumraon, Distt. - Buxar
  8. AMRITANSHU KUMAR BHAGAT Son of Rajeev Kumar Bhagat Resident of Station Road Dumraon, ward no. 4, P.S. - Dumraon, Distt. - Buxar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. HARIDWAR PRASAD CHAURASIYA Son of Late Devnarayan Ram Resident of Alamganj near Durga Mandir, P.S. - Sasaram (T), Distt. - Rohtas
3. JITENDRA KUMAR CHAURASIYA Son of Late Paras Chaurasiya Resident of village - Khilanganj, P.S. - Sasaram (T), Distt. - Rohtas

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s :     | Mr.Anirudh Mishra            |
| For the Opposite Party/s : | Ms.Anita Kumari              |
|                            | Mr. Rajani Kant Singh, Adv.  |
|                            | Mr. Rajesh Kumar Singh, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

5      25-08-2023                      1. The present transfer application has been filed for  
transfer of Complaint Case No. 920 of 2019 instituted for the



offences under Sections 323, 341, 379 , 504 and 506 / 34 of the Indian Penal Code pending before learned A.C.J.M., Rohtas at Sasaram to A.C.J.M. Court, Buxar within the judgeship of Buxar.

2. The complaint case has been filed by the Opposite Party No. 2 against the petitioners, who are family members of the lady Vandana Kumari Bhagat with whom Dipesh Chaurasiya, son of Opposite Party No. 2 was married. Vandana Kumari Bhagat from the family of the petitioners lodged a Matrimonial Case No. 299 of 2018 before the Principal Judge, Family Court, Sasaram, which has been transferred to Principal Judge, Family Court, Buxar. Another case lodged by Vandana Kumari Bhagat against her husband Dipesh Chaurasiya bearing Sasaram (T) P.S. Case No. 948 of 2018 has also been transferred from Rohtas to Buxar.

3. Learned counsel for the petitioners submits that petitioners have threat to their life if they visit Rohtas and accordingly the case may be transferred from Rohtas to Buxar where the petitioners reside. He further submits that an informatory petition has been lodged by the petitioners in this regard before C.J.M., Sasaram (Rohtas).

4. On the other hand, learned counsel for the Opposite



Party Nos. 2 and 3 jointly submit that taking into account the inconvenience caused to the wife, who belong to the family of the petitioners, two cases lodged by her have already been transferred from Rohtas to Buxar and now in abuse of the process of court, the petitioners, who are not only lady members of the family but male members also, are trying to get the case transferred on the basis of a frivolous informatory petition filed before the C.J.M. that they have threat to their life. There is no truth in the allegation that petitioners have threat at the instance of the opposite parties. The Opposite Party Nos. 2 & 3 are businessmen having no criminal background. He next submits that altogether 4-5 cases have been lodged against the Opposite Party No. 2 & 3 and their family members in order to harass the opposite parties and this petition is also filed with malafide intention to harass the opposite parties.

5. Regard being had to the submissions made by the parties, taking into consideration the fact that petitioners, who are accused in a complaint case lodged by the Opposite Party No. 2, are mostly male members except two ladies have filed the transfer petition on the basis of threat to their life and except the informatory petition no material has been produced regarding serious threat to life of the petitioners,



as such, I am not inclined to allow the prayer of the petitioners  
for transfer of the case.

6. The application stands dismissed.

**(Anil Kumar Sinha, J)**

praful/-

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