

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39402 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- MAHILA PS District- Jehanabad

Shahwar Zareen Wife of Md. Danish Imam Resident of Village - Erki, P.O.,
P.S. and District - Jehanabad, at present resident of Village - Sabait, P.S. and
District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Danish Imam Son of Ali Imam Resident of Village - Erki, Ward No.- 27,
P.O., P.S. and District - Jehanabad
3. Ali Imam Son of Zaki Imam Resident of Village - Erki, Ward No.- 27, P.O.,
P.S. and District - Jehanabad
4. Razia Sultan Wife of Ali Imam Resident of Village - Erki, Ward No.- 27,
P.O., P.S. and District - Jehanabad
5. Hena Bushra Daughter of Ali Imam Resident of Village - Erki, Ward No.-
27, P.O., P.S. and District - Jehanabad
6. Nazish Imam Son of Ali Imam Resident of Village - Erki, Ward No.- 27,
P.O., P.S. and District - Jehanabad
7. Tabish Imam Son of Ali Imam Resident of Village - Erki, Ward No.- 27,
P.O., P.S. and District - Jehanabad
8. Raghbir Imam Son of Ali Imam Resident of Village - Erki, Ward No.- 27,
P.O., P.S. and District - Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan
		Mr. Hafiz Shahbaz Arif
For the Opposite Party/s :		Mr. Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 11-11-2024

This petition under Section 407 of Cr. P.C. has been

filed by the petitioner for transfer of Jehanabad Mahila P.S. Case

No. 27 of 2023 from the Court of S.D.J.M., Jehanabad to any

other competent Court of Nalanda at Biharsharif.



2. It is submitted by learned counsel for the petitioner that marriage of the petitioner with opposite party no. 2 Md. Danish Imam was solemnized on 11.06.20219. After some time of marriage, she was subjected to cruelty on account of demand of dowry. On the basis of first information report lodged by the petitioner, Jehanabad Mahila P.S. Case No. 27 of 2023 has been registered for the offences under Section 341, 323, 498(A)/354(A), 506/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. After conclusion of investigation, charge sheet has been filed and at present, the matter is pending for trial before the S.D.J.M., Jehanabad.

3. It is further submitted by counsel that at the time of lodging the first information report, the petitioner was resided at Jehanabad but as of now, she is residing at her *Maika* i.e. in Nalanda District. Therefore, there was apprehension of the petitioner that whenever she goes to Jehanabad in the said proceeding to contest the case at Jehanabad, the respondents will again start ill treated and threatened the petitioner. It is very difficult for the petitioner to go to Jehanabad alone, therefore, on this ground only, it is prayed by the counsel that the said trial may be transferred from the Court of S.D.J.M., to any other competent Court of Nalanda at Biharsharif.



4. Learned counsel for the respondents State opposes the argument raised by the counsel for the petitioner.

5. Heard both the counsels.

6. On being inquired, it is informed by the counsel that the distance between Jehanabad to Nalanda is about 75 kilometers only. Perusal of the first information report clearly shows that the first information report has been lodged by the Police on the basis of the complaint made by the petitioner and after completion of investigation, the Police has filed the charge sheet before the concerned Court, meaning thereby, the concerned case is not a complaint case rather it is a police case instituted on the basis of submission of the charge sheet submitted by the police. In the said case, petitioner has mentioned one of the witnesses only, meaning thereby, she has not been required to go each and every day at Jehanabad in the said proceeding to contest the case, rather she is required to go there only for recording her statement. With regard to apprehension of the petitioner that whenever she will go to attend the proceeding at Jehanabad she will be ill treated by the respondents. The petitioner is advised to make an appropriate application under Section 284 Cr. P.C. before the learned Trial Court for recording her statement on commission. On



submission of such application, the concerned Trial Court is also directed to decide the same in accordance with relevant rules and law and pass the order accordingly.

7. With the above observation, the transfer petition is disposed of.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2024
Transmission Date	19.11.2024

