

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53598 of 2022

Arising Out of PS. Case No.-973 Year-2021 Thana- MUNGER COMPLAINT CASE
District- Munger

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KHUSHBOO KUMARI W/o Shri Deepak Mishra , D/o Sghri Hemant Kumar Jha Resident of Village - Mau Behat (Dakshinbadi Tol), P.S.- Manigachi, Distt.- Darbhanga, Presently residing at Village - Maun Behat (Pashchimbadi Tol), P.S.- Manigachi, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anand Kumar Mishra Son of Late Gulab Mishra Presently Resident of Village - Madhopur, P.S.- Kotwali, Distt.- Munger, Permanent resident of Village - Mau Behat (Dakshinbadi Tol), P.S.- and P.O.- Manigachi, Distt.- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Nath Jha, Advocate
For the State	:	Mr. Satyendra Prasad, A.P.P.
For the O.P. No.2	:	Mr. Prabha Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 26-04-2024 Heard learned advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The instant Criminal Miscellaneous case has been filed by the petitioner praying for transfer of Complaint Case No.973 (C) of 2021 filed by the opposite party no.2 herein. Opposite party no.2 is the father-in-law of the petitioner. Her marriage was solemnized with the son of opposite party no.2 on 01.12.2014.

3. It is contended on behalf of the petitioner that after three years of marriage, the petitioner was sent to her



matrimonial home following “Bidai ceremony” on condition that within six months of Bidai, the father of the petitioner would have to pay Rs.2,00,000/- only (Rupees Two lakh only) to the opposite party no.2. The father of the petitioner was compelled to obey such direction considering the future of his daughter. Subsequently, also the petitioner was tortured by the opposite party no.2, her husband and other matrimonial relations. She was compelled to leave her matrimonial home and has been residing at Darbhanga at her paternal home. The petitioner no.2 surreptitiously on such concocted facts and circumstances, filed a complaint case against the petitioner and her relatives before the learned Chief Judicial Magistrate, Munger which was registered as Complaint Case No.973 (C) of 2021 alleging the offence of criminal trespass and theft of household articles from the house of the opposite party no.2 at Munger.

4. It is submitted by the learned advocate for the petitioner that petitioner being a lady has been residing at Darbhanga and the said complaint being Complaint Case No.973 (C) of 2021 may be transferred to Darbhanga to enable the petitioner/wife to contest the said case.

5. Learned advocate for the opposite party no.2



submits that Munger is not far away from Darbhanga and the petitioner can come to Munger Court to contest the said case filed by the opposite party no.2.

6. Indisputably, the petitioner has been residing at Darbhanga. In the matter of transfer of a case, convenience of the wife is to be looked into as a paramount consideration. The petitioner being a lady and wife of the son of opposite party no.2 cannot be directed to travel from Darbhanga to Munger to contest Complaint Case No.973 (C) of 2021.

7. In view of such circumstances, the Complaint Case No.973 (C) of 2021 be transferred from the file of learned Chief Judicial Magistrate, Munger to the file of learned Chief Judicial Magistrate, Darbhanga.

8. A copy of this order be sent to the learned Chief Judicial Magistrate, Munger and learned Chief Judicial Magistrate, Darbhanga for compliance.

9. Accordingly, the instant Criminal Miscellaneous case is thus, disposed of on contest.

(Bibek Chaudhuri, J)

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