

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71116 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Bhagalpur

ANISHA KUMARI D/o Jaykant Yadav, Wife of Bikash Kumar Roshan R/o vill - Gazipaita, P.S. - Sonbarsa Raj, Distt. - Saharsa at present resident of vill - Gorgamam, P.O. - Ghordaur, P.s. - Salkhua, Distt. - Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bikash Kumar Roshan Son of Ramkrishna Yadav R/o vill - Gazipaita, P.S. - Sonbarsa Raj, Distt. - Saharsa
3. Sneha Sidhi D/o Bikash Kumar Roshan R/o vill - Gazipaita, P.S. - Sonbarsa Raj, Distt - Saharsa
4. Pratyush Pranjal Son of Bikash Kumar Roshan R/o vill - Gazipaita, P.S. - Sonbarsa Raj, Distt - Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 20-04-2024 The petitioner is an applicant of an application under Section 125 of the CrPC. She filed the said application before the learned Principal Judge, Family Court at Bhagalpur on the ground that the petitioner lastly resided with her husband at Bhagalpur. The husband of the petitioner is a police constable at Bhagalpur.

2. It is alleged by the petitioner that she was driven away by her husband from her matrimonial home and she has been residing at her parental home at village Gorgama within P.S. Salkhua in the district of Saharsa. It is also stated by the



petitioner that she has no source of income, the petitioner has to spend considerable amount of money to conduct her case at Bhagalpur, as going to Bhagalpur from Saharsa on each and every date of hearing of the application causes inconvenience to the petitioner and, therefore, the said application under Section 125 of the CrPC be transferred to the Court of the learned Principal Judge, Family Court at Saharsa. It is also stated by the petitioner that since the opposite party/husband is a police constable at Bhagalpur, the petitioner is being threatened whenever she goes to Bhagalpur for the purpose of her case.

3. I have heard the learned Advocate for the petitioner. It is needless to say while considering an application under Section 407 of the IPC, filed by the petitioner of Maintenance Case, the paramount consideration of the Court is the convenience of the petitioner. The petitioner has been residing within the jurisdiction of Saharsa. It is stated that she has no source of income. Thus, continuation of maintenance case by the petitioner would be more effectively done at Saharsa. On the other hand, the opposite party being a police constable can travel from Bhagalpur to Saharsa to pursue his defence. Considering the convenience and inconvenience of both the parties, this Court is of the view that Miscellaneous



(Maintenance Case No. 252/2022) pending before the learned Principal Judge, Family Court at Bhagalpur under Section 125 of the CrPC ought to be transferred to the Court of the learned Principal Judge, Family Court at Saharsa. Therefore, Miscellaneous Maintenance Case No. 252 of 2022 be transferred to the file of the learned Principal Judge, Family Court, Saharsa from the Court of the learned Principal Judge, Family Court, Bhagalpur.

4. With the above order, the instant Criminal Miscellaneous case is disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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