

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69834 of 2023

Arising Out of PS. Case No.-102 Year-2019 Thana- PARBATTI District- Bhagalpur

PRUSHOTAM YADAV @ CHHOTU YADAV Son of Ramrati Yadav R/o vill
- Lahra, P.S. - Gopalpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gaurav Rai Son of Raj Kishore Rai R/o vill - Tulsipur, P.S. - Kharik, Distt. - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 01-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

2. The present application has been filed for quashing the order dated 10.05.2022 passed in Cr. Misc. (Transfer) petition No. 76 of 2022 by the Sessions Judge, Bhagalpur whereby and whereunder case record of Sessions Trial No. 82/2020 (Parbatta P.S. Case No. 102/2019) pending in the court of Additional Sessions Judge, II, Naugachia, Sub Division, Bhagalpur transferred to the Additional Sessions Judge-I, Bhagalpur Division for trial and disposal.

3. The accused who has criminal antecedent of twenty-five cases has challenged by the impugned order the transfer of the Sessions Trial from Naugachia Sub Division,



Bhagalpur. The ground for transfer is that the petitioner who is an accused has got no chance to oppose the transfer before the case was transferred.

4. Learned counsel for the opposite party No. 2 has supported the impugned order.

5. I have considered the submissions of the parties.

6. The petitioner is accused in a murder case and is facing trial. The trial is on the verge of completion and all the witnesses have already been examined.

7. The case was initially being tried in Naugachia Sub Division but subsequently the same has been transferred by the impugned order to Bhagalpur. The petitioner is accused. He is in custody. He will be taken to the Court by the police therefore, he will not suffer any prejudice if the case is tried either at Naugachia or at Bhagalpur.

8. In my opinion, this petition has been filed to delay the trial which is on the verge of completion.

9. This application is dismissed.

(Sandeep Kumar, J)

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