

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74447 of 2023

Arising Out of PS. Case No.-203 Year-2021 Thana- CHARPOKHARI District- Bhojpur

Rupesh Kumar Son of Raghubar Singh R/o vill - Bazen, P.S. - Charpokhri,
Distt. - Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunny Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-02-2024 Petitioner in the present case is seeking setting aside of the order dated 20.09.2023 passed by learned Sessions Judge, Bhojpur at Ara in Cr. Misc. No. 93 of 2023 by which the learned court below has been pleased to dismiss the application preferred by the petitioner seeking transfer of trial from the court of learned Additional Sessions Judge-III Court, Ara to any other court in the same judgeship.

2. Learned counsel for the petitioner submits that in Charpokhari P.S. Case No. 203 of 2021 giving rise to Sessions Trial No. 78 of 2022, the petitioner is the informant. It is his case that the case is pending for evidence.

3. Learned counsel submits that the accused persons of the case are highly influential persons having wealth and on the basis of their influence and wealth they are claiming in the

village and locality that they will secure their acquittal from the court of learned 3rd Additional Sessions Judge, Bhojpur, Ara. The petitioner, therefore seriously apprehends that he will not receive justice from the hands of the present trial court.

4. On the other hand, learned APP for the State has opposed the prayer for transfer of the trial. It is submitted that a mere apprehension cannot be a ground for transfer of the trial from one court to another.

5. Having heard learned counsel for the petitioner and learned counsel for the State as also on perusal of the records, this Court finds that there is no allegation against the learned trial court. It is not the case of the petitioner that the trial court is biased. No reasonable apprehension may be found in the ground taken by the petitioner for the purpose of transfer of trial. In such circumstance, this Court is of the opinion that transfer of trial cannot be ordered in a routine and mechanical manner on the basis of bald allegations made against the accused persons alone.

6. This application is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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