

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5923 of 2024

Arising Out of PS. Case No.- Year-0 Thana- PATNA COMPLAINT CASE District- Patna

Neeraj Kumar @ Neeraj Kumar Singh Son of Bishram Singh Resident of
Village- Chechar P.S. -Biddupur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Son of Badri Prasad Resident of Village- Kumharar Talab, Ps-
Agamkuan, Distt- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kushagra Kush, Adv
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-07-2025 Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The present quashing petition has been preferred before this Court against order dated 23.11.2023 through which Transfer Petition No. 152 of 2023 of petitioner rejected by learned Sessions Judge Patna in Criminal Revision No. 411 of 2023 under Section 245 of Cr.P.C. arising out of rejection order of discharge petition as passed by learned J.M. 1st Class, Patna City in C.A. Case No. 1052/2013 (Sunil Kr. Vs. Neeraj Kr. @ Neera Kr. Singh), now pending in the Court of learned A.C.J.M.-IIInd Patna City, Patna.

3. The present petition preferred on two scores firstly, that the revision was admitted for hearing without staying the proceeding of court below and secondly that transfer petition of petitioner was rejected, which was made



with prayer that Cr. Rev. No. 411 of 2023 be heard along with Cr. Rev. No. 409 of 2023 for the reason that complainant in both matters is same and was filed with similar allegation.

4. From the perusal of the record and out of submission, it transpires that both criminal revisions have been preferred against order of rejection of petitions preferred under Section 245 of the Cr.P.C., where complaint is same. It also appears from the submission as advanced by learned counsel for the petitioner that both accused are full brother and they entered together for business with complainant, where one of the co-accused Deepak Kumar Singh, who is the brother of Neeraj Kumar Singh paid money to Sunil Kumar/complainant from her wife's account and also paid money for this petitioner Neeraj Kumar Singh from the same account, which prima-facie suggests that the transaction are same and considering this aspect trial of both cases are pending before the same Magistrate, which is pending as C.A. No. 1051/2013 for accused Deepak Kr. Singh & C.A. No. 1052/2013 for accused Neeraj Kr. Singh.



5. It is submitted that, therefore, criminal revisions arising out of the rejection order as discussed aforesaid under Section 245 of the Cr.P.C. be also heard together by same Sessions Judge, but the prayer as made above for transfer of the record was rejected by learned Sessions Judge through impugned order dated 23.11.2023 in T.P. (Cr.) No. 152 of 2023.

6. From the perusal of record it transpires that Cr. Rev. No. 411 of 2023 was preferred against the order passed in C.A. No. 1052/2013 & Cr. Rev. No. 409 of 2023 was preferred against the order passed in C.A. No. 1051/2013, where Cr. Rev. No. 411 of 2023 was transferred to the Court of learned A.S.J 3rd, Patna City and Cr. Rev. No. 409 of 2023 was transferred to Court learned A.S.J. 4th, Patna City for hearing and disposal without staying the proceeding, before the Court learned A.C.J.M, Patna City, IInd causing continuation of parallel proceeding.

7. Considering aforesaid, in the interest of justice learned Sessions Judge is directed to transfer Cr. Rev. No. 411 of 2023 & Cr. Rev. No. 409 of 2023 before the same



court for hearing and disposal to provide petitioner an opportunity of fair hearing.

8. If any prayer is made before the Court of Sessions in aforesaid criminal revisions for staying the proceeding before the court of learned A.C.J.M. 2nd, Patna City, same be considered in accordance with law and as per available merits, without being prejudiced by this order in any manner. If, any such petition preferred by petition same be disposed within three weeks from the date of filing. Accordingly order dated 23.11.2023 as passed in T.P. (Cr.) No. 152 of 2023 is quashed and set aside.

9. Petitioner is directed to prefer, petition for stay as submitted above within two weeks as of now.

10. Hence, this application stands allowed.

11. TCR (Trial Court Records), if any, be returned to the learned Trial Court alongwith the copy of this judgment, immediately.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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