

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23568 of 2024

Arising Out of PS. Case No.-129 Year-2012 Thana- MAHNAR District- Vaishali

Richa Kumari W/o Anand Kumar, D/o Sri Jayant Kumar Singh R/o vill -
Islampur Mahnar, P.s. - Mahnar, Distt. - Vaishali, Presently residing at
Mohalla - Gandhi Nagar, Near Arbindo Ashram, P.s. - Rupauli, Distt. - Purnea

... .. Petitioner/s

Versus

Anand Kumar S/o Sri Anil Kumar R/o vill - Islampur Mahnar, P.s. - mahnar,
Distt. - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Richa Kumari, Advocate

For the Opposite Party/s : Mr. Hemant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 14-02-2025 This is an application filed by the petitioner against her husband under Section 407 of the CrPC praying for transfer of Mahnar P.S. Case No. 129 of 2012 dated 30th October 2022 corresponding to GR No. 4509/2012 under Sections 323/379/504/498A/34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act from the Court of the learned SDJM, Vaishali at Hajipur to the court of the learned SDJM, Purnea on the ground that the marriage of the petitioner and the opposite party was solemnized on 14th January 2011, according to Hindu rites and customs and subsequently, it was registered on 03rd March 2011. After marriage, the opposite party started abusing and committing torture to the petition on demand of Rs. 20,000,00/- (Twenty lakh) as dowry and on refusal of the same,



the opposite party and his family members treated her with cruelty, both physically and mentally.

2. The marital tie between the parties was not happy and the petitioner was compelled to lodge FIR in Mahnar P.S. Case No. 129/2012 under the above-mentioned penal provisions.

3. The police submitted charge sheet against the opposite party and others in the Family Court of the learned Principal Judge, Vaishali, Hajipur. As the petitioner was unable to maintain herself, she also filed Maintenance Case No. 180 of 2016 in the Family Court of Principal Judge at Vaishali. The opposite party was directed to pay an interim maintenance at the rate of Rs. 10,000/- per month to the petitioner by an order dated 27th July 2017. However, the opposite party flouted the said order of payment of interim maintenance. The petitioner submits that she has no source of income and she would go back to her paternal home at Purnea. It would not be both physically and financially possible for her to attend Hajipur court from Purnea by traveling a long distance and spending considerable amount of money. Moreover, the opposite party threatened her with dire consequence at Hajipur court complex. It is also stated by the petitioner that she gave birth to a female child who is now



staying at Purnea at her paternal home. The petitioner alone looks after her, therefore, she has prayed for transfer of the above-mentioned criminal case to the Family Court of Principal Judge at Purnea.

4. The opposite party entered his appearance in person and took part in hearing of the instant application.

5. It is relevant to state at this stage that both the petitioner as well as the opposite party are practicing advocates of the Patna High Court and they have appeared in the case in person.

6. It is submitted by the petitioner that she does not have any practice in this Court, she is not in a position to earn any money from her practice and has decided to leave to stay permanently at her paternal home at Purnea. The opposite party also does not pay the interim maintenance to the petitioner, therefore, she has no source to maintain herself at Patna. It would not be possible for her to contest the case at Hajipur.

7. The opposite party on the other hand submits that the father of the petitioner is D.S.P. at Purnea, there is every possibility that the opposite party would be implicated in more criminal cases if he goes to Purnea, therefore, he has prayed for transferring the case to any place other than Purnea.



8. Having heard the parties in person, this Court directs that both the petitioner as well as the opposite party would not suffer if the case is transferred to the court of the learned Principal Judge, Family Court at Patna on condition that the opposite party shall regularly pay the interim maintenance allowance to the petitioner within 7th of each succeeding month. If the opposite party fails to pay the interim maintenance for three successive months, the above-mentioned criminal case shall be transferred to the Family Court of Principal Judge at Purnea.

9. With the above order, the instant application is disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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