

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34017 of 2024

Arising Out of PS. Case No.-228 Year-2018 Thana- NAUTAN District- West Champaran

Suman Devi W/O Vinod Kumar D/O Sri Lal Babu Prasad R/O Vill.- Hira
Pakar, P.S.- Yadavpur, Dist.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Kumar Singh Son of Janardan Singh R/O Vill.- Dakshin Telhua, Ward
no. 9, P.S.- Nautan, Dist.- West Champaran at Bettiah

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Adv.
For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 01-08-2025 In spite of the fact that opposite party no. 2 was notified, he preferred not to appear and contest the application under Section 407 of the Cr.P.C.

2. The petitioner is the wife of opposite party no. 2. Marriage of the petitioner was solemnized on 28th February, 2011 and stay happily for one year and after one year matrimonial dispute cropped up.

3. It is the case of the petitioner that previously a case under Section 498A and other coordinate penal provision was instituted against the opposite party no. 2 and his family members, but the said case was settled amicable by way of out of court settlement and both parties staying together till may,



2018. On 9th May, 2018, the petitioner was treated with cruelty by the opposite party no. 2 and she was forcibly ousted from her matrimonial home. She made a statement before on duty Police Officer at Mahila (Bettiah) Police Station, on the basis of which Mahila (Bettiah) P.S. Case No. 07 of 2018, dated 9th May, 2018, under Sections 498(A)/341/307/495/427/34 of the I.P.C. was registered against the opposite party no. 2 and her father-in-law and mother-in-law.

4. On the same day, the opposite party no. 2 lodged a complaint in Nautan Police Station against the petitioner which gave rise to Nautan P.S. Case No. 228 of 2018, dated 9th May, 2018, under Section 406/435/379/504/506/34 of the I.P.C. Both the cases are now pending before the learned C.J.M., Bettiah.

5. On being asked, it is submitted by the learned Advocate on behalf of the petitioner that charge has been framed in connection with Mahila (Bettiah) P.S. Case No. 07 of 2018.

6. It is needless to say that on framing of charge a criminal case reaches at the stage of trial. When the trial commences in a criminal case, a case cannot be transferred to another Sessions Division.

7. However, it is submitted by the learned Advocate



for the petitioner that in Nautan P.S. Case No. 228 of 2018 examination of evidence has not been started.

8. Considering such aspect of the matter, this Court is of the view that the cases may be transferred from Bettiah to Gopalganj, if other parameters mentioned in Section 407 of the Cr.P.C. is satisfied.

9. Clause-C of Sub-section (1) of Section 407 of the Cr.P.C. says that whenever it is made to appear to the High Court that an order under this section is required by any provision of this Code, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice, it may order transfer of a case.

10. It is submitted by the learned Advocate for the petitioner that Gopalganj civil court is situated at a distance of about 120 K.M away from Bettiah in Bus root. Bus fair from one way between the above mentioned two places varies from Rs. 150 to Rs. 170. Thus, the petitioner, who is not maintained by her husband and lives in her paternal home would be forced to go to Bettiah to contest her case spending at least Rs. 300/- per day from Gopalganj.

11. Therefore, convenience of the wife ought to be considered while considering an order of transfer under Section



407 of the Cr.P.C.

12. For the reasons stated above, this Court is of the view that the criminal cases being Nautan P.S. Case No. 228 of 2018, dated 9th May, 2018 for the offence under Section 406/435/379/504/506/34 of the I.P.C. and Mahila (Bettiah) P.S. Case No. 07 of 2018, dated 9th May, 2018, under Sections 498(A)/341/307/495/427/34 of the I.P.C. be transferred to the court of the learned C.J.M., Gopalganj for trial and disposal.

13. Let a copy of this order be sent both to the court of the learned C.J.M., Bettiah, West Champaran and the learned C.J.M., Gopalganj for information and compliance.

(Bibek Chaudhuri, J)

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