

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48920 of 2024

Arising Out of PS. Case No.-289 Year-2019 Thana- MASHRAK District- Saran

=====

Nafisa Tabassum D/O Mohammad Mustakim R/O Vill.- Rasulpur, Chapra
Bujurg, P.S.- Hussainganj, Dist.- Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nawab Ali Son of Mozahir Hussain R/O Vill.- Bangrapurb Tola, P.S.-
Mashrakh, Dist.- Saran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rakesh Shrivastava, Advocate
For the State : Mr.Amitesh Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 02-12-2025 Heard learned counsel for the petitioner.

2. The present petition has been filed for transferring the case record of Trial No. 1843 of 2025 (G.R. No. 5328 of 2019, arising out of Mashrakh P.S. Case No. 289 of 2019 which was instituted under Sections 341, 323, 498A, 504, 506/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act from the court of learned Sub-divisional Judicial Magistrate, Saran at Chapra to the court of competent jurisdiction at Siwan.

3. Learned counsel for the petitioner submits that the petitioner is a lady and Mashrakh P.S. Case No. 289 of 2019 was instituted at her instance while the petitioner has been staying in her matrimonial home where she was abused and



assaulted and driven out from her matrimonial home. Learned counsel further submits that the father of petitioner has died and the petitioner is having a son aged about four years and there is only mother in the family and the petitioner has been facing difficulty in attending the matter the before the court at Chapra. One of the brothers of petitioner is of unsound mind and second brother is living outside the State for earning his livelihood. The court at Chapra is situated about 80 km from the house of the petitioner and the petitioner is neither having any source of income nor any support for taking the trial before the court at Chapra to its logical conclusion.

4. Perused the records.

5. From perusal of record, it appears that the service was declared upon opposite no. 2 but he choose not to appear before this Court to contest the proceeding.

6. Having regard to the fact that the petitioner is a lady and also appears she has been facing hardship in attending the court at Chapra, the case record of Trial No. 1843 of 2025 (G.R. No. 5328 of 2019, arising out of Mashrakh P.S. Case No. 289 of 2019 is transferred to the Judgeship of Siwan with direction to the learned Sessions Judge, Siwan to assign the matter to the court of competent jurisdiction at Siwan on its



receipt.

7. The parties are directed to appear before the court concerned on the date fixed by the newly assigned court.

8. Let a copy of the order be transmitted to the learned Sessions Judge, Saran at Chapra and Siwan for immediate compliance.

9. Office is directed to send the LCR forthwith to the court from where it has been received.

10. Accordingly, the present petition stands disposed of.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

