

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73053 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Siwan

Rajesh Tiwari Son of Suresh Tiwari Resident of Village - Bherhariya, Post - Siyarampur, Police Station - Paliganj, District - Patna. (ii.) Vill.- Shivpur Sakra, P.S.- Ashav, Dist.- Siwan. (iii.) Branch Manager, ICICI Bank Thane, Hiranandani, State, Post- Sedoj Babka, Dist.- Thane, Maharashtra- 400607

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Devi Wife of Rajesh Tiwari and Daughter of Shrawan Tiwari Resident of Village - Narayanpur, Post - Hasua, Police Station - Navtan, District - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parashuram Singh, Advocate
For the Opposite Party/s : Mr. Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 01-08-2025 The petitioner is the O.P. No. 2/husband, in a case under Section 125 of the Cr.P.C. pending before the learned Principal Judge, Family Court, Siwan.

2. The petitioner has filed the instant application for transfer of Maintenance Case No. 164 of 2024 pending before the Learned Principal Judge, Family Court, Siwan, to the Court of the learned Principal Judge, Family Court at Patna on the grounds that whenever the petitioner goes to Siwan, the men and agents of O.P. No. 2 try to assault and abuse him. It is further contended on behalf of the petitioner that the petitioner works in Mumbai and it would be convenient for him to come to



Patna to contest the above-mentioned case rather to go to Siwan for the same.

3. The learned advocate on behalf of O.P. No. 2, on the other hand, submits that the O.P. No. 2, filed Maintenance Case No.164 of 2024 under Section 125 of the Cr.P.C. in the year 2024. In spite of service of notice, the present petitioner failed and neglected to appear before the trial court to contest the case. When the case was fixed for *ex parte* hearing, the petitioner for the first time appeared on 30th April 2025 and filed his written statement along with an application for vacating the order of *ex parte* hearing. The said application was fixed on 27th June 2025. In the meantime, on 5th May 2025, he prayed for an adjournment of further hearing of the case pending in the trial court on the ground that he wants to move this Court for appropriate order. Thus, the only purpose of the petitioner is to drag and delay the case by filing one after another application.

4. Having heard the learned counsel's for both the parties, it appears from the submissions made by the learned advocate for the petitioner that the petitioner was about to be assaulted by the O.P. No. 2 and her men and agents whenever he went to the court premises at Siwan. Surprisingly enough, the petitioner did not even inform the matter to the local Police



Station by lodging a general diary. The second contention of the petitioner is also not acceptable because of the fact that traveling from Mumbai to Patna and from Mumbai to Siwan does not make any big difference so that the case may be transferred to Patna.

5. For the reasons, I do not find any merit in the instant application and accordingly the application is dismissed, on contest.

(Bibek Chaudhuri, J)

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