

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78685 of 2024

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

Vivek Kumar S/O Bharat Kumar R/O Mohalla- Saketpuri, Road No.- 3, Hanuman Nagar, P.S- Patrakar Nagar, Patna- 800020, Present Address- Surgeant Vivek Kumar, Service No.- 915159, Trade STR FIT, 4 Wing Air Force Station, Agra, Pin Code- 282008, U.P.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sapana Sharma W/O Vivek Kumar R/O Mohalla- Saketpuri, Road No-3, Hanuman Nagar, P.S- Patrakar Nagar, Patna- 800020, and at present Address- D/O Gauri Shankar Sharma, Resident of Village- Dumari Pattapur, Ward No.-17, P.S- Muffasil, Distt.- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parashuram Singh, Advocate
For the Opposite Party/s : Mr. Birendra Narayan Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 01-08-2025 This is an instant application filed under Section 447 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) filed by the husband of the O.P. No.2 (hereinafter referred to as the petitioner).

2. It is not in dispute that O.P. No.2 , is the legally married wife of the petitioner. The O.P. No.2 filed an application under Section 144 of the B.N.S.S. before the Learned Principal Judge, Family Court, Begusarai praying for maintenance from the petitioner. The said case is registered as Maintenance Case No. 109 of 2024.



3. In the instant case, it is contended on behalf of the petitioner that he is employed as a technician in the Air Force at Air Force Station Agra, Uttar Pradesh and it would be difficult for him to contest the above mentioned case at Begusarai traveling all the way from Agra. Therefore, he prays for transfer of the above mentioned maintenance case to the learned Principal Judge, Family Court at Patna. It is also submitted by the learned Advocate on behalf of the petitioner that on previous occasion, when the petitioner went to Begusarai to contest Maintenance Case No.109 of 2024, the brothers of O.P. No. 2 allegedly assaulted him. Surprisingly enough, he did not lodge any complaint, F.I.R. or even a general diary against the alleged perpetrators of offence. In the absence of any document, this Court is not in a position to accept such contention made on behalf of the O.P. No.2

4. From the cause title of instant application, this Court finds that O.P. No.2 resides at Begusarai, therefore, the learned Principal Judge, Family Court at Begusarai, has the jurisdiction to hear out the application under Section 125 of the Cr.P.C. filed against the petitioner.

5. While determining a case for transfer on the ground of convenience, comparative convenience of both the husband



and wife ought to be looked into. The wife has been staying at her paternal home after being ousted from her matrimonial home. She is dependent upon her paternal relations. She currently resides in Begusarai. Therefore, on due consideration of comparative hardship of the parties, this Court finds that the petitioner will not face any inconvenience, if he contests the case at Begusarai.

6. Therefore, I do not find any merit in the instant application. This application under Section 447 of the BNSS is, thus, allowed.

(Bibek Chaudhuri, J)

sharun/-

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

