

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.190 of 2025

Arising Out of PS. Case No.-40 Year-2023 Thana- MAHILA P.S. District- Purnia

Sadhana Bharti Wife of Tushar Bharti Permanent Resident of Professor Colony, Rambagh, P.S. - Sadar, District - Purnea, presently Residing at Shri Niwas Kunj, Dr. Rajni Gupta Clinic Road, Biscomaan Colony, Bajrangpuri, P.S. Alamganj, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tushar Bharti, Son of Devendra Prasad Singh Resident of Gurudwara Road, P.S. - K. Hat, District - Purnea
3. Devendra Prasad Singh, Son of Kishun Lal Yadav Resident of Gurudwara Road, P.S. - K. Hat, District - Purnea
4. Chandana Devi, Wife of Devendra Prasad Singh Resident of Gurudwara Road, P.S. - K. Hat, District - Purnea
5. Kumari Shruti Bharti, Daughter of Devendra Prasad Singh Resident of Gurudwara Road, P.S. - K. Hat, District - Purnea
6. Rinki Devi, Daughter of Devendra Kumar Singh Resident of Gurudwara Road, P.S. - K. Hat, District - Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parul Prasad, Advocate
For the Opposite Party/s : Ms. Rita Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 26-06-2025

The petitioner is the wife of the O.P. No. 2. The O.P. Nos. 3 to 6 are matrimonial relations of the petitioner and closely associated and connected with O.P. No. 2.

2. The marriage of the petitioner was solemnized with the O.P. No. 2 on 01st May 2023. At the time of her marriage, her father spent a huge amount of money towards the dowry of the



opposite parties. However, the opposite parties were not satisfied, and the petitioner was treated with cruelty by the opposite parties. This prompted the petitioner to file a complaint at Purnea Mahila P.S., on the basis of which FIR Case No. 40 of 2023 under Section 341/323/342/498A/504/506/34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act were instituted. The case is pending before the learned Chief Judicial Magistrate at Purnea.

3. Further, the case of the petitioner is that the petitioner got employment at the National Inland Navigation Institute as an assistant librarian and is posted at Patna. Since, the petitioner has been residing in Patna for her job. It is difficult for her to attend Purnea court on each and every date when the above-mentioned case is fixed for hearing.

4. It is also contended by the petitioner that the sister-in-law of the petitioner is a practicing advocate at Purnea court; therefore, she is not getting proper help and advice from any learned Advocate at Purnea. Further, the case of the petitioner is that when she was staying at Patna, her husband came to her house and abused and molested her and snatched away her mangalsutra and earrings. Over the said incident, she lodged a complaint at Alamganj P.S., which gave rise to FIR Case No. 969/2023 on 14th October 2023. In the said case, a charge sheet has been filed, and



the case is pending before the learned Chief Judicial Magistrate at Patna. Again, she has filed an application under Section 125 of the CrPC before the learned Principal Judge, Family Court at Patna. The said proceeding is also pending against her husband.

5. Thus, the petitioner contends that one case is pending at Purnea and the other two cases are pending at Patna. Under such circumstances, the case pending at Purnea may be transferred to the court of competent jurisdiction at Patna under the provision of Section 407 of the CrPC.

6. It is found from the record that the O.P.s entered appearance in the instant proceeding by filing vakalatnama on 29th May 2025, but today the opposite parties are not represented by their learned Advocate.

7. It is needless to say that while deciding a transfer petition, the convenience of the woman litigant is given preference. The petitioner has been working in Patna; the said job is her only source of sustenance. If, at this stage, when two other cases are pending at Patna, the petitioner is directed to go to Purnea to represent another case, she will suffer financially and materially. Therefore, I am inclined to allow the instant petition under Section 407 of the CrPC. The Purnea P.S. Case No. 10/2023, therefore, the G.R. Case No. 2540 of 2024 arising out of Purnea Mahila P.S.



Case No. 40 of 2023 pending before the Court of learned Sub-Divisional Judicial Magistrate, Purnea, Bihar, is transferred to the Court of the learned Additional Chief Judicial Magistrate at Patna City.

8. Let a copy of this order be sent to the courts of the Sub-Divisional Judicial Magistrate, Purnea, as well as the court of the learned ACJM, Patna City, for information and compliance.
9. The instant criminal miscellaneous case is thus disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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