

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35304 of 2025

Arising Out of PS. Case No.-585 Year-2024 Thana- NAGAR District- Vaishali

Shristy Kumari D/o- Manoj Kumar, W/o- Rakesh Kumar Resident Of
Chiknauta Jadua, Ps- Town Hajipur, Dist- Vaishali, A/P- Jervehara Naya
Gown Ps- Basudeopur Dist- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar S/o- Ram Chandra Rai Village- Chiknauta Jadua Ps- Town
Hajipur Dist- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uttam Kumar Mishra, Advocate
For the State	:	Mr. Sunil Kumar Pandey, A.P.P.
For the O.P. No. 2	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Anish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 17-06-2026 Heard the parties.

2. The present application is filed for transferring the
Hajipur Town P.S. Case No. 585 of 2024 registered under
Sections 85, 126(2), 115(2), 118(1), 109, 76, 89, 352, 3(5) of the
B.N.S. and 3/4 of the D.P. Act filed on behalf of the petitioner
against her husband/opposite party no. 2 in the court of C.J.M.,
Hajipur to the court of learned C.J.M., Munger since the
petitioner is residing at her parental home within the jurisdiction
of Civil Court, Munger.

3. Learned counsel for the petitioner submits that
petitioner lived at her matrimonial house only for some months,
then, her husband/opposite party no. 2 started abusing,



assaulting and torturing the petitioner and demanded Rs. 5 lakh but due to non-payment of the said demand, opposite party no. 2 and his family members seriously tortured the petitioner. He further submits that petitioner has submitted an application before the S.H.O., Town police station Hajipur and, accordingly, FIR bearing Hajipur Town P.S. Case No. 585 of 2024 was registered against the opposite party no. 2 and his family members on 11.08.2024 under Sections 85, 126, 115(2), 118(1), 109, 76 of B.N.S. He further submits that petitioner is unable to appear on each and every date before Civil Court, Hajipur regularly as she is a helpless lady and she has to cover a distance of about 200 k.m. and she is facing hardship to overcome the said distance from Munger to Hajipur. He further submits that petitioner has filed Maintenance Case No. 03 of 2025 before learned Family Court, Munger. Learned counsel orally submits that opposite party no. 2 is working as a Bank Manager in Bank of Baroda and he is drawing salary of more than Rs. 1 lakh per month and despite holding such an affluent post, opposite party no. 2 is not ready to pay the maintenance allowance to the petitioner and opposite party no. 2 has just paid Rs. 10,000/- only for one time as a maintenance allowance. He further submits that the very intention of opposite party no. 2 is



enough to show how petitioner suffered at the hand of husband. He further submits that petitioner, being a helpless lady, is suffering from serious financial crisis and she is fully dependent on her parents. In the light of the such circumstances, it is very unfortunate for the petitioner to cover a distance of about 200 km to appear on each and every date and make pairvi at Hajipur Civil Court. Keeping in view the economical hardship and other consequential hardship, petitioner has filed a case of transfer in this Court so that she might get substantial justice by getting the Hajipur Town P.S. Case No. 585 of 2024 transferred from the court of learned C.J.M., Hajipur to the court of learned C.J.M., Munger so that she could avail the facility of pairvi which is comparatively more accessible in comparison to Hajipur.

4. By way of filing supplementary affidavit, learned counsel for the petitioner has cited certain decisions of this Court where identical case has received similar treatment by way of transferring the case under Section 407 of Cr.P.C. and the present case is totally justified to get the identical treatment so that substantial justice may be rendered to the petitioner.

5. Learned counsel for the opposite party no. 2 submits that present petition is having no merit as petitioner and her family members falsely implicated the opposite party no. 2



in an Arms Act case in collusion with the police and the same has been filed at the behest of the petitioner just to harass the opposite party no. 2. The opposite party no. 2 is already facing multiple proceedings, including the case under Section 498 A of I.P.C. at Hajipur Civil Court. He further submits that convenience of the petitioner is not sufficient ground for transfer where it causes serious prejudice to the opposite party no. 2 and opposite party no. 2 is facing multiple proceedings.

6. The relevant clause - C of Sub-section (1) of Sections 447 of the B.N.S.S., 2023 where it is mentioned 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.*

7. Section 447 of the B.N.S.S. 2023 is nothing but replica of earlier provision of Section 407 of Cr.P.C.

8. From the perusal of record and after hearing the parties concerned, it is crystal clear that the distance of the Civil Court, Hajipur is 200 km from Civil Court, Munger and petitioner being a helpless lady, as admitted by the learned counsel for the petitioner, the petitioner has not been maintained



by her husband/opposite party no. 2 and only a meager amount of Rs. 10,000/- has been paid to the petitioner by opposite party no. 2 up till now. Despite the order being passed by the Principal Judge, Family Court, Munger in Maintenance Case No. 03 of 2025, she is totally dependent upon her parents. Therefore, convenience of the petitioner ought to be considered while considering the statutory provisions as mentioned under Sections 447 of BNSS and which is identical Section 407 of Cr.P.C.

9. For the reasons stated above, this court is of the view that Hajipur Town P.S. Case No. 585 of 2024 registered under Sections 85, 126(2), 115(2), 118(1), 109, 76, 89, 352, 3(5) of the B.N.S. and 3/4 of the D.P. Act be transferred to the court of learned C.J.M., Munger for trial and disposal.

10. Accordingly, the present petition stands disposed of.

11. Let a copy of this order be sent to the court of learned C.J.M., Hajipur as also to the learned C.J.M., Munger for information and compliance.

(Alok Kumar Pandey, J)

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