

IN THE HIGH COURT OF JUDICATURE AT PATNA

Vandana Kumari Bhagat

vs.

Dipesh Chaurasiya

Miscellaneous Jurisdiction Case No. 1452 of 2019

10 November 2022

(Hon'ble Mr. Justice Sandeep Kumar)

Issue for Consideration

Whether, in view of the petitioner's financial condition, security concerns, and ongoing maintenance proceedings, the criminal case pending at Sasaram should be transferred to Buxar for convenience and justice.

Headnotes

Considering the difficulty being faced by the petitioner in travelling to Sasaram to contest the case, this application for transfer is allowed. (Page 2)

Case Law Cited

None cited.

List of Acts

None mentioned.

List of Keywords

Transfer of Criminal Case; Dowry Harassment; Maintenance Case; Safety of Woman Litigant; Convenience of Parties

Case Arising From

Sasaram (T) P.S. Case No. 948 of 2018

Appearances for Parties

For the Petitioner: Mr. Anirudh Mishra, Mr. Krishna Prasad, Advocates

For the Opposite Party: Mr. Saket Kumar Singh, Advocate

Headnotes Prepared by Reporter: Amit Kumar Mallick, Advocate.

Judgment/Order of the Hon'ble Patna High Court

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1452 of 2019

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Vandana Kumari Bhagat Wife of Dipesh Chaurasiya, D/o Rajeev Kumar
Bhagat R/o Village-Station Road, Dumraon, Ward no. 4, P.S. Dumraon,
District-Buxar

... .. Petitioner/s

Versus

Dipesh Chaurasiya Son of Haridwar Prasad Chaurasiya R/o Alamganj, P.S.
Sasaram (Town), District Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Anirudh Mishra, Mr. Krishna Prasad, Advocates
For the Opposite Party	:	Mr. Saket Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT

Date : 10-11-2022

Heard the parties.

The present petition has been filed for transfer of
Sasaram (T) P.S. Case No. 948 of 2018 from the Court of the
Chief Judicial Magistrate, Rohtas at Sasaram to the Court of
Chief Judicial Magistrate, Buxar.

It has been submitted by learned counsel for the
petitioner that marriage of the petitioner was solemnized with
the opposite party on 23.11.2017 according to Hindu rites and
rituals and thereafter she was tortured for non-fulfillment of
demand dowry by the opposite party. Her husband used to come
in the house in a drunkard condition after taking liquor and
assault her. Under the compelling circumstances, she lodged an
FIR bearing Sasaram (T) P.S. Case No. 948 of 2018 against the



opposite party and her in-laws. The petitioner has also filed Maintenance Case No.115 of 2018 which is pending in the Court of the Principal Judge, Family Court, Buxar for her maintenance.

Learned counsel has appeared on behalf of the opposite party but no counter affidavit has been filed controverting the statements made in the transfer petition.

Learned counsel for the petitioner has further submitted that the petitioner feels threat to her life and has been threatened by the opposite party if she comes to Sasaram to contest her case. Petitioner has no source of income and she fully depends upon her parents and as such, it is not possible for her to travel to Sasaram to contest the case.

Considering the difficulty being faced by the petitioner in travelling to Sasaram to contest the case, this application for transfer is allowed. Sasaram (T) P.S. Case No. 948 of 2018 pending in the court of the Chief Judicial Magistrate, Rohtas at Sasaram is directed to be transferred to the court of the Chief Judicial Magistrate, Buxar. The parties shall appear in the court of the Chief Judicial Magistrate, Buxar on 5th December, 2022 and thereafter the proceeding will be conducted in the court of the Chief Judicial Magistrate, Buxar. Since the petitioner has



filed Maintenance Case No.115 of 2018 in the Court of the Principal Judge, Family Court, Buxar, the opposite party is required to appear and do necessary *pairvi* in the case. The Principal Judge, Family Court, Buxar is directed to dispose of the aforesaid Maintenance Case within three months from today. If the opposite party does not cooperate in disposal of the aforesaid Maintenance case, the Principal Judge, Family Court, Buxar will proceed ex parte.

With the aforesaid observation and direction, this application is allowed.

Let a copy of this judgment be communicated to the the Court of the Chief Judicial Magistrate, Rohtas at Sasaram as well as the Principal Judge, Family Court, Buxar for its compliance forthwith.

(Sandeep Kumar, J)

Harsh/B.T

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	.11.2022
Transmission Date	N.A

