

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL REVISION No.566 of 2023**

Arising Out of PS. Case No.-714 Year-2018 Thana- PATNA COMPLAINT CASE District-  
Patna

MAHENDRA MAHTO son of Late Balo Mahto Village- Shilchari Chak  
Ward no-23, PS- Mokama, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Kumari wife of Sudhir Kumar, D/o- Sri Ram Prakash Mahto R/o-  
Shikhari Chak PS- Mokama, Dist- Patna

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Anand Kumar, Adv.  
For the Respondent/s : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY  
ORAL JUDGMENT**

**Date : 12-03-2026**

Heard the parties.

2. The present application has been filed on behalf of the petitioner for setting aside the order dated 28.03.2023 passed in Criminal Miscellaneous (Transfer) Case No. 199/2022 by the learned Court of Sessions Judge, Patna whereby and whereunder learned Court of Sessions Judge, Patna passed an order to transfer the Complaint Case No. 714(c )/2018 from the Court of learned Judicial Magistrate-1st Class, Barh to the Court of learned Judicial Magistrate-1st Class, Patna. The petitioner/complainant filed Complaint Case No. 714 (c )/2018 before the Court of learned A.C.J.M.-1, Barh against Poonam Kumari/respondent no. 2 within the jurisdiction



of Barh Civil Court punishable under Sections 323/ 341/ 380/ 384/ 307 of the Indian Penal Code and Section 25 (1-b) and 26 of the Arms Act. The learned Judicial Magistrate-1st Class, Barh took cognizance under Section 323/380/504/506/34 of the Indian Penal Code.

2. Learned counsel for the petitioner submits that the cognizance has been taken under Sections 323/380/504/506/34 of the Indian Penal Code against respondent no.2 and another on the basis of material available on record as well as statement of enquiry witnesses. He further submits that charge has been framed under Sections 323/380/504/506/34 of the I.P.C. Respondent no.2 filed Criminal Miscellaneous (Transfer) Case No.199/2022 giving wrong address as Mohalla-Lohanipur, P.S.-Kadam Kuan, Distrit-Patna and after issuance of notice in the said transfer case, the petitioner appeared before the Sessions Court and filed his reply. He further submits that the petition of respondent no.2 is nothing but an effort to linger the case filed by the petitioner. Respondent no.2 is still residing at Barh with co-accused and she gave a wrong address just to harass the petitioner and the concerned Sessions Court did not consider the place of occurrence and passed the order of transfer from one court to



another situated in Patna without any reason.

3. Learned counsel for the State submits that from the perusal of impugned order itself, it is reflected that the Divorce Case No. 1161/2017 pending between respondent no.2 and her husband in the court of Principal Judge, Family Court, Patna and reason has been quoted by the concerned court that since the petitioner (respondent No.2 herein) is female and she is contesting divorce case with the son of complainant (petitioner herein) in the Civil Court, Patna and if the complainant will proceed in the Patna Civil Court, it will not prejudice the right of opposite party (petitioner herein) as his son is contesting divorce case in Patna and the said miscellaneous transfer petition was allowed in the light of aforesaid facts and circumstances of the case.

4. After considering all the facts and circumstances of the case, the respondent no.2 has shown that she is presently residing at Mohalla-Lohanipur, P.S.-Kadam Kuan, District-Patna and one divorce case is pending in Patna with the son of complainant (petitioner in this case). The reason as quote by the concerned court on the basis of material available on record and from perusal of impugned order, there is no illegality, irregularity and impropriety found and learned counsel for the



petitioner has also not pointed out how the order of transfer passed by the concerned court is in any way illegal, irregular and improper as he has already conceded that since divorce case is pending with the complainant/petitioner's son in Civil Court, Patna, it is inconvenient for a lady to contest the case at two different places. In the light of aforesaid facts and circumstances of the case, the present revision petition is devoid of merit.

5. Accordingly, the present revision petition stands dismissed.

**(Alok Kumar Pandey, J)**

amitkumar/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	16.03.2026
Transmission Date	16.03.2026

