

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Misc. (Transfer) Case No. 07 of 2026

Rajeev Kumar, S/o Sri Ram Babu Gupta
R/o:-Makhania Gali, Bakerganj Bajaja, P.S.- Pirbahore,
P.O.- Bankipur, District- Patna

..... **Petitioner**

Versus

1.The State of Bihar
2. Shambhu Prasad, S/o Late Raghunandan Prasad
3. Hari Narayan Prasad Gupta, S/o Late Laleshwar Prasad
4. Vijay Kumar Gupta, S/o Late Laleshwar Prasad,
5. Sachin Kumar, S/o Shambhu Prasad,
6. Santosh Kumar Gupta, S/o Rameshwar Prasad
All R/o:- Makhania Gali, Bakerganj Bazaja , Patna- 800004

..... **Opposite Parties**

Counsel for the Petitioner : Sri Anil Kumar, Advocate
Counsel for the State : Sri Rajesh Kumar, P.P.

ORDER

06.03.2026

1. The present criminal miscellaneous application has been filed by the **petitioner-complainant, Rajeev Kumar**, under Section 408 of the Code of Criminal Procedure, corresponding to Section 448 of the Bharatiya Nyaya Sanhita, 2023 (BNSS), seeking transfer of Complaint Case No. 971(C)/2003 and G.R. Case No. 1635/2003, arising out of Pirbahore P.S. Case No. 125/2003, presently pending before the Court of Sri Chandan Kumar Verma, learned ACJM-VII, Patna, to another competent court for adjudication.
2. Heard learned counsel for the petitioner, learned Public Prosecutor for the State, and have also taken into consideration the report submitted by the Court of learned ACJM-VII, Patna.
3. A report had earlier been requisitioned from the Court of Sri Chandan Kumar Verma, learned ACJM-VII, Patna, which is available on record.
4. Learned counsel for the petitioner submitted that in the aforesaid complaint case, five witnesses have already been examined prior to framing of charge. Thereafter, the matter was fixed for charge, but the accused persons filed a petition for discharge under Section 245 Cr.P.C. It was further argued that the learned court, in open proceedings, expressed an inclination to discharge the accused persons after hearing them, which has eroded the petitioner's faith in the impartiality of the court.
5. Per contra, the learned Public Prosecutor opposed the prayer for transfer, submitting that the grounds advanced are wholly insufficient to justify such relief.

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6. In the report, the learned ACJM-VII, Patna, stated that Complaint Case No. 971(C)/2003 is more than 23 years old. The accused persons filed a discharge petition under Section 245 Cr.P.C. on 28.07.2017, to which a rejoinder was filed on 25.09.2017. Since then, the matter has remained pending for hearing on the discharge petition. It was emphasized that the case has been pending at the same stage for the last eight years. The learned ACJM further clarified that the allegation of having “opened his mind” to discharge the accused is baseless and merely a tactic employed by the complainant to delay proceedings. He asserted that none of his orders are biased or prejudiced, and all have been passed with proper reasoning based on facts and law. The petitioner, according to the report, is attempting to obstruct disposal of the matter by seeking transfer.
7. In view of the facts and circumstances of the case, and upon perusal of the report submitted by the learned ACJM-VII, Patna, this Court is of the view that the present transfer application is devoid of merit. No sufficient legal ground has been demonstrated to warrant transfer of Complaint Case No. 971(C)/2003 and Pirbahore P.S. Case No. 125/2003 to another court.
8. Accordingly, this Criminal Miscellaneous Transfer Application is **dismissed**.

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna

Date of Judgment/Order	06.03.2026
Date of Reserving Judgment/Order	26.02.2026
Uploading Date	06.03.2026
Uploaded by	Vinod/-