



IN THE COURT OF SESSIONS JUDGE, PATNA.
Criminal Misc. (Transfer) Case No. 274 of 2026

Sankalp Kumar @ Golu Kumar, S/o Late Jitendra Singh
R/o:- Village- Daulatpur Bariyan Khurd, P.S.- Fatuha,
District- Patna

..... **Petitioner**

Versus

1. The State of Bihar
2. Nawal Kishor Singh, S/o Late Ramji Singh
R/o:- Village- Daulatpur Bariyan Khurd, P.S.- Fatuha,
District- Patna

..... **Opposite Parties.**

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

ORDER

03.08.2026

1. This Criminal Miscellaneous (Transfer) application has been filed under Section 448 of the Bharatiya Nyaya Sanhita (BNSS), 2023, by the **Petitioner-accused, Sankalp Kumar @ Golu Kumar** seeking transfer of **Sessions Trial No. 685/2023, arising out of Fatuha P.S. Case No. 861/2022**, from the Court of the learned Additional Sessions Judge, 5th Patna City, to any other competent court for hearing and disposal.
2. Heard the arguments advanced by the learned counsel appearing for the Petitioner and the learned Public Prosecutor representing the State.
3. Learned counsel for the petitioner submits that following the rejection of the transfer application, the Presiding Officer became aggrieved and began favoring the informant in several ways, which are enumerated below, necessitating the filing of this third application. It is further submitted that the bail bond of the petitioner was intentionally cancelled and the petitioner was taken into custody on 11.05.2026. Since then, he has remained in custody, yet no progress has been

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made; instead, the case is being adjourned in a routine manner despite the fact that final arguments have already been concluded and written arguments were filed much earlier. It is further submitted that the petitioner harbors a bona fide and reasonable apprehension that fair and impartial justice will not be rendered by the Presiding Officer. This is because the officer's conduct during the proceedings appears to unduly favor the prosecution, given that virtually all documents or applications filed by the prosecution are allowed, while those filed by the petitioner are dismissed.

4. This Court accordingly sought a report from the Court of learned Additional Sessions Judge-V, Patna City, which has been received and placed on record.

5. The learned Additional Sessions Judge-V, Patna City, has clarified in his report that the accused facing trial in the instant case is currently in judicial custody, and the matter is at the stage of final arguments for the prosecution, the defense arguments having already concluded. It is further reported that this is the third petition filed by the same petitioner seeking the transfer of the case record from that court. The report notes that the facts and grounds of the present transfer petition are almost identical to those in the earlier petitions. Consequently, it is submitted that the replies previously submitted by the Court may be accepted as the reply to the present petition as well. Lastly, it is prayed that the record of this case be transferred to any other court of appropriate jurisdiction for trial and disposal.

6. The learned Public Prosecutor representing the State has submitted that there is no objection to the prayer made in the present application for transfer of the case.

7. In view of the fact that the petitioner's transfer applications (No. 382/2024 dated 07.03.2025 and No. 442/2025 dated 27.02.2026) were rejected, the Presiding Officer exhibited a pre-existing bias against the petitioner. Consequently, the Court arbitrarily refused to entertain the petitioner's application under Section 317 of the Cr.P.C. seeking exemption from personal appearance, dismissed the said application, and proceeded to cancel the bail bonds.

8. Accordingly, this criminal miscellaneous transfer application is **allowed** in

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the interest of justice. It is directed that the record of Sessions Trial No. 685/2023 be recalled from the Court of learned Additional Sessions Judge-5th Patna City, and transferred to the Court of learned Additional Sessions Judge-7th Patna City , for hearing and disposal.

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna

Date of Order	03.08.2026
Date of Reserving Order	01.08.2026
Uploading Date	03.08.2026
Uploaded by	Vinod/-