

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Misc. (Transfer) Case No. 302 of 2026

Rajesh Kumar, S/o Sri Meghnath Singh @ Raghunath Singh
R/o-Village-Dihri, P.S. Bihta, District- Patna

..... **Petitioner**

Versus

The State of Bihar

..... **Opposite Party**

Counsel for the Petitioner :-Sri Ramanath Kumar, Advocate

Counsel for the State :-Sri Rajesh Kumar, Public Prosecutor

ORDER

09.09.2026

1. The present Criminal Miscellaneous Transfer Application has been filed by the petitioner-accused, Rajesh Kumar, under Section 448 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the “BNSS”), seeking transfer of Sessions Trial No. 353 of 2024, arising out of Bihta P.S. Case No. 716 of 2023, presently pending before the Court of the learned Additional Sessions Judge-VII, Danapur to any other competent Court.
2. Heard learned counsel for the petitioner, learned Public Prosecutor for the State, and perused the report submitted by the learned Additional Sessions Judge-VII, Danapur, which had earlier been requisitioned by this Court.
3. Learned counsel for the petitioner submits that the petitioner has been in judicial custody since 20.07.2023. Charges were framed on 12.03.2024 for the offences punishable under Sections 304-B, 306, 201 and 120-B of the Indian Penal Code. Thereafter, the trial commenced and for the first time, the prosecution examined P.W.-1, Balram Das, on 05.09.2024. It is submitted that the trial proceeded smoothly before the then learned District and Additional Sessions Judge-VII Danapur and in course of the trial, the last witness namely Mukesh Kumar Paswan was examined on 09.03.2026 and was finally discharged on 29.04.2026 after his further examination-in-chief and cross-examination by the defence.
4. It is further submitted that on 11.05.2026, the prosecution closed its evidence and the matter was fixed for recording the statement of the accused under Section 313 of the Code of Criminal Procedure. On the said date, the prosecution orally sought time, whereupon 15.05.2026 was fixed for recording the statement of the accused under Section 313 of the

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Misc. (Transfer) Case No. 302 of 2026

Code of Criminal Procedure. It is submitted that on 15.05.2026, the informant filed a petition seeking time for recording the statement of the accused U/s 313 Cr.P.C. which was kept on record, particularly as time had already been sought on behalf of the prosecution. On the same date, the informant filed a fresh Vakalatnama and entered appearance. Thereafter, the prosecution filed a petition under Section 216 of the Code of Criminal Procedure seeking alteration of the charge and for framing an additional charge under Section 302 of the Indian Penal Code.

5. It is submitted that the learned Additional Sessions Judge-VII Danapur fixed 18.05.2026 for filing rejoinder on behalf of the accused-petitioner. On 18.05.2026, a rejoinder petition was filed on behalf of the petitioner and after hearing the parties on 20.05.2026, the matter was fixed for orders. On 20.05.2026, the learned trial Court ordered addition of a charge under Section 302 of the Indian Penal Code and fixed 21.05.2026 for the said purpose. According to the learned counsel for the petitioner, the said order was passed on the basis of incorrect appreciation of the material facts and evidence available on record.
6. It is further submitted that, in paragraph 3 at page 3 of the order dated 20.05.2026, the learned trial Court incorrectly recorded that P.Ws.-7, 8, 9 and 10 had supported the prosecution case and had stated that the petitioner and the co-accused had killed the daughter of the informant on account of non-fulfillment of the demand for dowry. According to the petitioner, the aforesaid witnesses, along with P.Ws.-11, 12 and 13, had categorically stated that the deceased had committed suicide on the alleged date and time of occurrence. It is, therefore, submitted that the aforesaid finding of the learned trial Court is contrary to the evidence on record and according to the petitioner, reflects a preconceived view of the learned trial Court.
7. It is further submitted that on 21.05.2026, the petitioner filed a petition stating that he intended to challenge the order dated 20.05.2026 before this Court, whereupon 06.06.2026 was fixed as the next date for framing of charge. On 06.06.2026, on the oral request of the petitioner, the matter was adjourned to 12.06.2026 for framing of charge. On 12.06.2026, a charge under Section 302 of the Indian Penal Code was framed and the prosecution was directed to produce evidence on the newly added charge on 16.06.2026.

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Misc. (Transfer) Case No. 302 of 2026

8. It is further submitted that on 16.06.2026, the petitioner filed a petition under Section 217 of the Code of Criminal Procedure seeking recall of the prosecution witnesses after framing of the additional charge under Section 302 of the Indian Penal Code. On 17.06.2026, the prosecution filed its rejoinder thereto. However, by order dated 23.06.2026, the prayer of the petitioner for recall of the witnesses was rejected. It is further submitted that on 24.06.2026, the prosecution evidence was again closed without affording the petitioner an opportunity to cross-examine the witnesses with regard to the newly framed charge.
9. It is further submitted that on 29.06.2026, the petitioner filed a petition stating that he intended to challenge the order dated 23.06.2026 before this Court, whereupon 13.07.2026 was fixed for recording the statement of the accused under Section 313 of the Code of Criminal Procedure. On 13.07.2026, the petitioner filed a petition stating that he had already approached this Court against the order dated 23.06.2026 and prayed that further proceedings be stayed till the matter was considered by this Court. The learned trial Court, however, fixed 20.07.2026 for recording the statement of the accused under Section 313 of the Code of Criminal Procedure.
10. Learned counsel for the petitioner submits that in the aforesaid facts and circumstances, it is apparent that the petitioner has been seeking to exercise his legal remedy against the order refusing recall of the prosecution witnesses after framing of the additional charge under Section 302 of the Indian Penal Code. It is further submitted that the learned trial Court is proceeding with the case at the instance of the informant and is not affording the petitioner a reasonable opportunity to exercise his legal right to challenge the orders passed during the course of the trial.
11. It is also submitted that on 13.07.2026, the petitioner was shocked to see the informant coming out of the chamber of the learned District and Additional Sessions Judge-VII, Danapur. According to learned counsel for the petitioner, the aforesaid circumstance, coupled with the conduct of the learned trial Court as alleged above, has created a reasonable apprehension in the mind of the petitioner that he may not receive a fair and impartial trial before the learned Additional Sessions Judge-VII, Danapur. Learned counsel, therefore, submits that, in the interest of justice, the case may be transferred to any other competent Court.

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Misc. (Transfer) Case No. 302 of 2026

12. Per contra, learned Public Prosecutor for the State opposed the prayer for transfer and submitted that the allegations made by the petitioner are baseless, misconceived and unsupported by any material on record. It is submitted that no circumstance has been brought on record which may give rise to any reasonable apprehension of bias or denial of a fair trial. Learned Public Prosecutor, therefore, submits that the transfer application is devoid of merit and deserves to be dismissed.
13. The learned trial Judge in the report submitted before this Court, has stated that the allegations made by the petitioner regarding bias, acting at the instance of the informant, denial of reasonable opportunity and improper conduct of the Court are false, baseless and incorrect and have been made only with a view to delay the conclusion of the trial. It has further been reported that the orders passed during the course of the trial, including the order relating to alteration/addition of charge under Section 302 of the Indian Penal Code and the order rejecting the prayer for recall of witnesses, were passed judicially, on the basis of the materials available on record and after hearing the parties.
14. The learned trial Judge has further reported that the allegation regarding the informant coming out of the chamber of the learned Presiding Officer is wholly incorrect. It has also been reported that the proceedings of the case have been conducted impartially and in accordance with law and that the petitioner has been afforded due opportunity to participate in the proceedings through his learned counsel. It has further been reported that this Court, vide order dated 31.10.2025 passed in Cr. Misc. No. 71964 of 2025, had observed that the trial was at the verge of conclusion and had expected that the same would be concluded within a period of six months. Since the trial could not be concluded within the stipulated period, the learned trial Court addressed Letter No. 212 dated 04.05.2026 to this Court seeking extension of time. It has further been reported that this Court, vide order passed in Cr. Misc. No. 39683 of 2026, rejected the bail application of the petitioner. However, no further observation was made by this Court in relation to the order dated 22.06.2026. The learned trial Court has further stated that the case is being taken up on a day-to-day basis in compliance with the directions issued by this Court in Cr. Misc. No. 71964 of 2025.
15. Having considered the rival submissions the materials available on record and the report submitted by the learned Additional Sessions Judge-VII Danapur this Court finds that the

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Misc. (Transfer) Case No. 302 of 2026

allegations of bias and apprehension of denial of a fair trial raised by the petitioner are not substantiated by any cogent or reliable material. The orders passed by the learned trial Court during the course of the proceedings are judicial orders against which the petitioner has an appropriate remedy in accordance with law. Mere dissatisfaction with judicial orders or an adverse order passed during the course of trial cannot, by itself, constitute a sufficient ground for transfer of a criminal trial.

16. This Court is also of the view that the allegation regarding the informant having come out of the chamber of the learned Presiding Officer, in the absence of any supporting material, cannot by itself give rise to a reasonable apprehension that the petitioner would not receive a fair and impartial trial. No sufficient ground has, therefore, been made out warranting transfer of Sessions Trial No. 353 of 2024, arising out of Bihta P.S. Case No. 716 of 2023, to any other competent Court.

17. Accordingly, the present Criminal Miscellaneous Transfer Application is **dismissed**.

(Dictated)

Sd/-

(Anamika T.)
Sessions Judge, Patna

Date of Order	09.09.2026
Date of Reserving Judgment/Order	N/A
Uploading Date	09.09.2026
Uploaded by	Vinod/-