

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1077 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Nawal Yadav, son of late Ramcharitra Singh, resident of village-Mosimpur, P.S.-
Khushrupur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Sadar Balwant Singh, son of Sardar Yadunandan Singh, resident of village-
Mosimpur, P.S.-Khushrupur, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate

For the Respondent/s : Mr. C. B. Singh, Advocate

APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

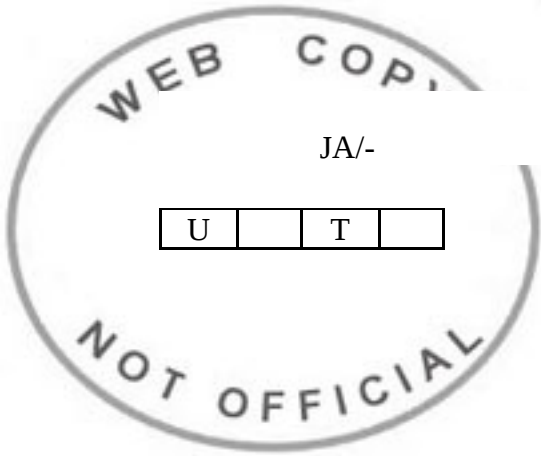
Date: 11-05-2015

It has rightly been pointed out by the counsel for the
Petitioner that the order dated 03.05.2011 passed by the Executive
Magistrate, Patna City, Patna, in Misc. Case No. 88 of 1997 does not
record that that there was breach of peace before declaring the
possession of the Opposite Party No.2.

In view of such, the matter is remanded to the Court
below. The Executive Magistrate, Patna City, shall call for a fresh
report with regard to breach of peace and thereafter proceed in
accordance with law and pass appropriate order within a period of
three weeks from the date of receipt of the report.

The application stands disposed off with the aforesaid

direction/observation.



(Anjana Prakash, J)