

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2918 of 2013

=====

1. Rita Devi W/O Manoj Sah  
2. Manoj Sah S/O Bisundeo Sah  
Both Resident Of Village- Mansi Gharari, Rajput Tola, P.S.- Mansi, District-  
Khagaria

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. Satya Narayan Singh S/O Late Khakhru Singh Resident Of Village- Mansi  
Gharari, Rajput Tola, P.S.- Mansi, District- Khagaria

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Daronacharya, Adv.  
For the State : Ms. Gulnar Begum, A.P.P.

=====

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**  
**ORAL JUDGMENT**  
**Date: 31-08-2015**

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated  
20.6.2012 by which the Sub Divisional Magistrate, Khagaria, in Misc.  
Case No. 31(M2) of 2012 directed the Petitioners to remove the  
Poultry Farm since it has adversely affected on the health of general  
people.

It has been submitted on behalf of the Petitioners that  
such an order could be passed only in a Proceeding under Section 133  
Cr. P.C. and not one under Section 134 of the Police Act, 1861.

On the other hand, the counsel for the Opposite Party

No. 2 submits that since the Police had submitted an adverse report the impugned order passed by the Sub Divisional Judicial Magistrate, Khagaria, may be deemed to have been passed in exercise of its power under Section 133 Cr. P.C.

Considering that it is in the interest of general health, that such an order was passed, I am not inclined to interfere in the matter on such technical grounds.

The application stands dismissed.

**(Anjana Prakash, J)**

S.Ali/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|