

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 15854 of 2012

Arising out of P.S. Case No. -0 Year- null Thana -null
District- BEGUSARAI

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1. Ghuran Sada Son of Samer Sada Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.
 2. Bijay Sada @ Bijo Sada Son of Doman Sada Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.
 3. Mangal Sada Wrongly Mentioned as Manjan Sada Son of Shanker Sada Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.
 4. Jitan Sada @ Jito Sada Son of Late Mahabir Sada Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.
 5. Sitaram Sada Son of Ram Bilash Sada Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.
 6. Kamleshwar Sada Son of Amrit Sada Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.
 7. Tuntun Sada Son of Ful Chand Sada Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.
 8. Thither Sada @ Khikher Sada Son of Late Tilakdhari Sada Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Sub Divisional Officer, Begusarai.
3. The Anchala Adhikari, Begusarai.
4. Hari Nandan Singh Son of Saukhi Singh Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.
5. Bindeshwer Singh Son of Jago Singh Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.
6. Hare Ram Singh Son of Bindeshwari Singh Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.
7. Saheb Sunder Singh Son of Bindeshwari Singh Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.
8. Nageshwer Singh Son of Thaker Singh Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.
9. Laxmi Singh Son of Baleshwer Singh Resident of Sanga Kothi, P.S.- Neema Chandpura, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Manbansh, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-02-2015

No one appears on behalf of the Private Opposite Parties.

The Petitioners seek quashing of the order dated 11.2.2012 passed by the Sub-Divisional Magistrate, Begusarai in Case No. 03 of 2012 by which he has attached the lands under Section 146(i) Cr.P.C.

It has been submitted that without initiating the proceeding under Section 145 Cr.P.C. the order of attachment under Section 146 Cr.P.C. was passed.

Let the matter be remanded to the Court below for afresh adjudication. It shall pass orders within a period of three weeks from the date of receipt of this order after having noticed to the Opposite Parties and hearing them. He shall also consider as to whether any emergent situation is still prevailing so as to pass an order under Sections 144/145/146 Cr.P.C.

The Application is disposed off with the aforesaid observations.

(Anjana Prakash, J.)

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