

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.53128 of 2008**

Arising Out of PS.Case No. -0 Year- null Thana -null District- SIWAN

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1. Ramjee Singh, son of late Girija Kishore Singh,
  2. Kashi Nath Singh, son of late Girija Kishore Singh,
  3. Kapildeo Singh, son of late Deosaran Singh,
  4. Lakshuman Singh, son of late Basudeo Singh,
  5. Bharath Singh, son of late Basudeo Singh,
  6. Suman Singh, son of late Basudeo Singh, all resident of village-Tarwara Chaudhari Path, P.S.-Gautam Buddha Nagar, district- Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar,
2. Jai Kishun Singh, son of late Ram Swarup Singh,
3. Baldeo Singh, son of late Jai Narayan Singh,
4. Rakesh Kumar Singh @ Manto, son of late Jai Narayan Singh,
5. Abhishek Kumar @ Pintu, son of late Jai Narayan Singh, all resident of village-Tarwara Chaudhari Path, P.S.-Gautam Buddha Nagar, district- Siwan.

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

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**Appearance :**

For the Petitioner/s : Mr. R. K. Jha, Advocate

For the Opposite Party/s : APP

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 10-07-2015**

The Petitioners are aggrieved with the order dated 16.05.2008 by which the Additional Sessions Judge, FTC No.5, Siwan, has decided Cr. Revision No.89 of 1992 in favour of the private Opposite Parties by setting aside the order dated 30.04.1992 passed by the Executive Magistrate, Siwan, in Case No. M 1441 of 1985/Tr. No.230 of 1992 by which he had declared the possession of the Petitioners in a proceeding under Section(s) 144/145 Cr. P. C.

It has been submitted that in the year 1985 a proceeding under Section 144 Cr. P. C. was initiated which was

converted to one under Section 145 Cr. P. C. and finally decided by order dated 30.04.1992. The revision was thereafter allowed on 16.05.2008 i.e. more than 16 years later and the Petitioners all along have been in possession of the land.

Be that as it may, if the Petitioners are still in active possession of the land despite the restraint order of the Sessions Judge, they shall continue to do so till an appropriate action in accordance with law is taken in the matter.

With the aforesaid observation, the application stands disposed off.

JA/-

**(Anjana Prakash, J)**

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