

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1252 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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1. Md. Najamuddin @ Md. Najam, S/O Late Chhotan Mian
 2. Md. Kalamuddin @ Md. Kalam
 3. Md. Ekramuddin @ Md. Ekram
 4. Md. Islam
 5. Md. Israil

All Sl. Nos. 2 to 5 are sons of Md. Nejamuddin @ Md. Najam

All residents of Mohalla- Neemganj, P.S. Bihar, Distirct- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Sub-Divisional Magistrate, Biharsharif, Nalanda
3. Shanti Devi, W/O Late Nathun Sao, resident of Mohalla Neemganj, P.S. Bihar, Distt. Nalanda.
4. Harinath Prasad Kasera, S/O Late Bishnu Prasad Kasera, Resident Of Mohalla- Chaukpar, P.S. Laheri, District- Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Singh, Adv.

For the State : Mr. Rajendra Prasad Nat, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-04-2015

No one appears on behalf of the Opposite Party No. 2.

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 18.8.2011 passed by the Sub Divisional Judicial Magistrate, Biharsharif (Nalanda) who has directed the Petitioners to allow egress and ingress to the private Opposite Party in a Proceeding under Section 147 Cr. P.C. i.e. in Case No. 96(MP) of 2005.

It is pointed out by the counsel for the Petitioners that

in Paragraph-8 it has been noted that on spot inspection, it was found that Private Opposite Parties had ingress upon the lands even though, it may not be very convenient.

Considering that the Opposite Parties were not locked out but had a way to easement, the application is allowed and the order dated 18.8.2011 passed by the Sub Divisional Judicial Magistrate, Biharsharif (Nalanda) in a Proceeding under Section 147 Cr. P.C. i.e. in Case No. 96(MP) of 2005 is hereby set aside.

(Anjana Prakash, J)

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