IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34413 of 2013

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WEB COPY NOT OFFICIAL

1. Sk. Jamil @ Sk. Jamil Ahmad, son of Late Nezamuddin, resident of Hari Pakri, Post Office and Police Station-Majhaulia, District-West Champaran.
2. M. Zakir Hussain, son of Wakil Ahmad, resident of Pipra Pakari, Post Office-Pipra Pakri, Police Station-Muffasil, Bettiah, District-West Champaran.
3. Samsur Rahman, son of Late Azizur Rahman, resident of Mohalla-Mahawat Toli, Police Station-Bettiah Nagar, District-West Champaran.
4. Sheo Pujan Sah, son of Late Rudal Sah, resident of village-Nanusati, Police Station-Majhaulia, District-West Champaran.
5. Alauddin, son of Late Maqsood, resident of village-Jaukalia, Police Station-Majhaulia, District-West Champaran.
6. Sd. Zakir Hussain, son of Late Sk. Nezamuddin, resident of Hari Pakri, Post Office and Police Station-Majhaulia, District-West Champaran.
7. Md. Ilyas, son of Sk. Adalat, resident of Hari Pakri, Post Office and Police Station-Majhaulia, District-West Champaran.
8. Awdhesh Prasad, son of Late Ambika Bhagat, resident of Hari Pakri, Post Office and Police Station-Majhaulia, District-West Champaran.
9. K. Alam, son of Sk. Anwarul Haque.
10. M. Khursheed Alam, son of Sk. Anwarul Haque.
11. Junaid Alam, son of Sk. Anwarul Haque.

    Nos.9 to 11 resident of village-Siswanyan, Police Station-Palanwan, District-East Champaran.

.... Petitioners.

Versus

1. The State of Bihar.
2. The Sub Divisional Officer, Bettiah, District-West Champaran.
3. The Circle Officer, Majhaulia, District-West Champaran.
4. The Station House Officer, Majhaulia. District-West Champaran.

……..Opposite Parties 1st Set.

5. Iftakhar Ahmad.
6. Reyaz Ahmad.
7. Nesar Ahmad.
8. Tanweer Alam.

   Nos.5 to 8 are sons of Late Sk. Abdulah, resident of village-Meghua, Post Office-Bahlolpur, Police Station-Kalyanpur, District-East Champaran.
9. Sk. Gaffar, son of Sk. Siddique, resident of Hari Pakri, Sheikh Toli, Post Office and Police Station-Majhaulia, District-West Champaran.
10. Jahangir Khan, son of Late Nesar Khan, Hari Pakri, Narayan Tola, Post Office and Police Station-Majhaulia, District-West Champaran.

……..Opposite Parties 2nd Set.

11. Dr. Syed Monazir Ali, son of Late Dr. Syed Md. Ali, resident of Chauthi Gali, House No.8, Paschmi Greater Azad Enclave, Mohalla-Dhurra, Civil line, police StationKawarfi, Post Office-Aligarh, Uttar Pradesh-202002.

.... Opposite Parties 3rd Set.

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Appearance :
For the Petitioners : Mr.
For the Opposite Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT
Date: 04-03-2016

Heard learned counsel for the petitioners and learned counsel for the opposite party nos.5 to 10.

2. Learned counsel appearing on behalf of the petitioners submits that this application is directed against the order dated 20.07.2013 passed in Case No.951M of 2013 by the Sub Divisional Magistrate, Bettiah, Sadar, regarding the attachment of the property in dispute and appointing the Circle Office, Majhaulia, as Receiver, but the proceeding under Section 145 of the Code of Criminal Procedure numbered as Case No.951M of 2013 has already been dismissed for default on 20.01.2016 by the Sub Divisional Magistrate, Bettiah, Sadar.

3. Since the proceeding under Section 145 of the Code of Criminal Procedure has been dismissed for default on 20.01.2016 by the trial court, no question arises about the existence of the order of attachment of the property in dispute and appointing the Circle Office, Majhaulia, as Receiver. As such, I find no reason to entertain the present application at present. Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

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