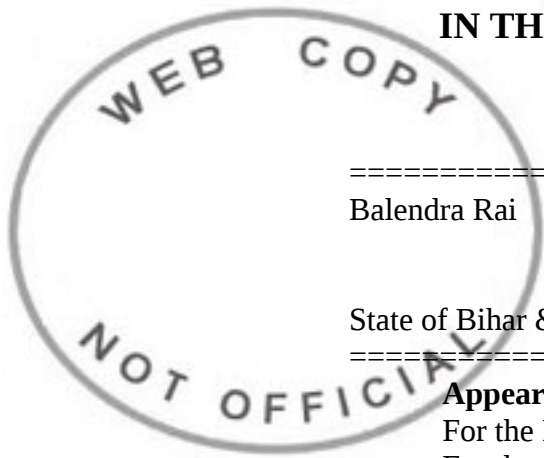




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49835 of 2012

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

=====

Balendra Rai

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-04-2016

The petitioner seeks quashing of the order dated 13.09.2012 by which the Sub-Divisional Officer, Muzaffarpur West in Case No. M 800 of 2006 has decided to proceed with the trial of the aforesaid case under Section 145 Cr.P.C even though a civil suit between the same parties is pending.

Today counsel for the petitioner produce a document to show that the petitioner has subsequently been added in the title suit for the same subject matter. He relies on the judgment in the matter of *Madan Singh vs. State of Bihar* reported in *1990 (2) PLJR 755* and *Kamla v. Bhanwarlal Vaid* reported in *AIR 1995 SC 473*. On the other hand counsel for the Opposite Party no. 2 submits that in fact it is only with regard to the boundary of the said land the title suit is pending and the subject matter is not the same.

Be that as it may, the application is disposed off with direction to the Court below to examine all these points at the relevant stage.

Prakash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	2.5.2016
Transmission Date	2.5.2016

(Anjana Prakash, J)