

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.510 of 2006

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1. Uma Shankar Singh
 2. Subhash Prasad Singh

Both sons of late Nageshwar Prasad Singh, resident of village Sihata, P.S. Dhariya
O.P. Dhankund, P.O. Makaita, Distt. Banka.

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Sub Divisional Officer, Banka District, Banka.
 3. Md. Sahjahan, son of not known, Executive Magistrate Banka, Distt. Banka.
 4. Nirmala Devi, wife of late Gulab Singh
 5. Sanjay Kumar Singh, son of late Gulab Singh
- Both residents of village Sihata, P.S. Dhariya O.P. Dhankund, P.O. Makaita, Distt.
Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar (Munna), Adv.

For the State : Mr. C. Jawahar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-01-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek revision of the order dated
8.5.2006 passed by the Executive Magistrate, Banka, in case No. 167
of 2006 arising out of Proceeding under Sections 144/145 and 146(i)
Cr. P.C.

It has been submitted that despite a Title Suit pending
for the same cause of action, the order of attachment dated 8.7.2006
was passed in case No. 167 of 2006 passed by the Executive
Magistrate, Buxar, Distt. Buxar, which is not maintainable. The

Petitioner points out Annexure-1 which is between the same Parties to demonstrate this fact.

On the last occasion, notices had been issued to the Private Opposite Parties and the operation of the order was stayed.

Having considered the short point, the application is allowed and the Proceeding including the order dated 8.5.2006 passed by the Executive Magistrate, Banka, in case No. 167 of 2006 arising out of Proceeding under Sections 144/145 and 146(i) Cr. P.C., is hereby set aside, without prejudice to the rights of the Parties.

(Anjana Prakash, J)

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