

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.767 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

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1. Prithavi Yadav
 2. Dharm Raj Yadav,
 3. Durga Yadav @ Durga Pd. Yadav,
 4. Santosh Kumar Yadav @ Santosh Yadav,
 5. Sanjay Kumar Yadav @ Sanjay Kumar,
 6. Ajay Kumar Yadav @ Ajay Kumar, All sons of Late Ramdeo Yadav, all resident of Mohalla- Chhotaki, Delha, Now Barki Delha, Parrai Road, Police Station- Delha, District- Gaya.

... .. Petitioner/s

Versus

1. State of Bihar.
2. Janak Prasad, Son of Jaydeo Prasad, Resident of Mohalla- Baraki Delha, Police Station- Delha, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurabh Kumar

For the Opposite Party/s : Mr.Sri Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 13-12-2019

This application has been filed for quashing of order dated 15.07.2017 passed by learned Sessions Judge, Gaya, in Criminal Revision No. 209 of 1996, by which, the learned Sessions Judge, Gaya has dismissed the revision application filed by the petitioners and affirmed the order dated 08.11.1996 passed by Executive Magistrate, Gaya in Misc. Case No. 5028 of 1992 declaring the possession of first party over the land in dispute.

Facts in short is that an application has been filed by the opposite party no.2 for initiating a proceeding under Section 144 Cr.P.C. against the petitioners, on the plea that petitioners by impersonating executed two sale deeds in their favour with respect to



land which belongs to the opposite party no.2. It further appears that later on, that proceeding was converted into a proceeding under Section 145 Cr.P.C. and the same was decided in favour of opposite party no.2 declaring him in possession over the land against the above order. Petitioners have preferred revision application before the Sessions Judge, Gaya, vide order dated 15.07.2017 dismissed the revision application filed by the petitioners.

Submission of learned counsel for the petitioners is that he is conscious about the facts that this is the second revision and a title suit no. 2 of 1996 is also pending between the parties, with respect to the same land. It is only apprehension of petitioner is that if the order is allowed to continue, it will prejudice his case in the suit.

Heard and perused the record. Admittedly, a title suit between the parties are pending with respect to land in dispute, as such I am not inclined to interfere with the impugned order passed by the Magistrate as well as revisional court.

Accordingly, this application is dismissed with observation that the effect of this order shall not prejudice the case of petitioners in the title suit no. 2 of 1996 which is pending between the parties before the Munsif 1st Gaya.

(Vinod Kumar Sinha, J)

Rahul Mishra/-

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