

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.336 of 2018

-
1. Md. Hasib @ Hasib
 2. Md. Mohib
 3. Md. Naim
 4. Ashahab @ Md. Ashahab
 5. Akbar @ Md. Akbar
 6. Md. Naiyar @ Md. Naiyar Alam
 7. Md. Tarik Anwar
- All No. 1 to 7 are Sons of Late Kafiluddin resident of Village - Tirhut Bitta,
P.S. Araria, District Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The S.D.O., Araria.
3. Jamaluddin, Son of Mahfuj Alam resident of Tirhut Bitta, P.S. Araria,
District Araria.

... .. Opp. Party/s

Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Bhagat, Advocate
For the State : Mr. Md.Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-11-2019

Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have moved the Court for setting aside
the order dated 04.01.2018 passed by the SDO, Araria in Case No.
716M of 2015 by which, under Section 147 of the Code of
Criminal Procedure, 1973 he has passed an order for removal of
obstruction over an 8 feet passage on the disputed land.



3. Having regard to the nature of the dispute, after some arguments, learned counsel for the petitioners submitted that the matter be disposed off with liberty to the petitioners to move before the Civil Court of competent jurisdiction for seeking remedy.

4. In view of the aforesaid, the application stands disposed off with liberty aforesaid.

5. It goes without saying that if the petitioners move the Civil Court of competent jurisdiction, the matter shall be considered on its own merits without being prejudiced either by the present order or the order impugned and the Court below shall consider the matter on its own merits afresh.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

