

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.1319 of 2018**

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

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1. Dashrath Yadav and Ors son of Gulo Yadav resident of Village- Baburahi, P.O. Shaligrami, P.S. Sahabpur Kamal, District- Begusarai.
 2. Gautam Devi wife of Surendra Kumar resident of Village- Baburahi, P.O. Shaligrami, P.S. Sahabpur Kamal, District- Begusarai.
 3. Bibha Devi wife of Pravin Kumar resident of Village- Baburahi, P.O. Shaligrami, P.S. Sahabpur Kamal, District- Begusarai.
 4. Babita Devi wife of Ranvir Kumar Rana resident of Village- Baburahi, P.O. Shaligrami, P.S. Sahabpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Home, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The D.I.G. Munger Range, Munger.
5. The District Magistrate, Begusarai.
6. The Superintendent of Police, Begusarai.
7. The Deputy Superintendent of Police, Ballia, Begusarai.
8. The Sub Divisional Magistrate, Ballia, Begusarai.
9. Rajesh Kumar Yadav, Officer In Charge, Sahabpur Kamal, Begusarai.
10. Balmiki Singh son of Late Khari Singh, Village- Sabdalpur, P.S. Sahabpur Kamal, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Sinha, Adv.
For the State	:	Mr.Ruchikar Jha, AC to SC-8
For the Respondent no.10:	:	Mr. Dilip Kumar Sinha, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 23-09-2022 Heard learned counsel for the petitioners, Mr. Ruchikar Jha, learned AC to SC-8 for the State and Mr. Dilip Kumar Sinha, learned counsel for the respondent no.10.

This writ application has been filed seeking quashing



of the notice dated 15.03.2018 by which the Sub-Divisional Magistrate, Balia, Begusarai has initiated a proceeding under Section 145 Cr.P.C. to which the petitioners and respondent no.10 are parties.

Learned counsel for both the sides jointly submit that in respect of the land in question, the respondent no.10 has filed a title suit bearing no.18 of 2019 which is pending consideration in the court of learned Sub-Judge, Balia, Begusarai. It is their common prayer that in such circumstance the learned Sub-Divisional Magistrate had no occasion to initiate a proceeding under Section 145 Cr.P.C. Learned counsel for the parties, therefore, jointly pray that the impugned notice may be set aside.

As agreed, let the impugned notice dated 15.03.2018 be set aside.

This writ application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

