

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11055 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Saharsa

SIKENDRA YADAV @ SIKO YADAV @ SIKENDAR YADAV Son of Late
Arjun Prasad Yadav Resident of Village- Simraha, Ward No.35, P.S. and
Distt- Saharsa.

... .. Petitioner/s

Versus

1. State of Bihar
2. Om Prakash Khemka Son of Mahabir Prasad Khemka Resident of Bangaon
Road, Saharsa, P.S. and Distt- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2022 Heard the learned counsel for the petitioner and the

learned APP for the State

The present petition has been filed for quashing the
order dated 22.06.2019, passed by the learned S.D.M. Saharsa
in Misc. Case no. 450 of 2019 as also the order dated
06.10.2020, passed in Cr. Rev. no. 139 of 2019 by the learned
Sessions Judge, Saharsa.

It is the contention of the learned counsel for the
petitioner that the opposite party no. 2 has already filed a Title
Suit, hence no proceedings under Section 145 of the Code of
Criminal Procedure would lie, however he submits that since no
final order has been passed under Section 145 Cr.P.C. by the



learned S.D.M., Saharsa, the petitioner be granted liberty to submit his defense and bring the aforesaid fact to the notice of the learned court below.

Accordingly, the petitioner is granted liberty to raise the aforesaid issue before the learned S.D.M., Saharsa in the ongoing proceedings under Section 145 Cr.P.C., which shall be considered by the learned S.D.M., Saharsa and a final order shall be passed in accordance with law.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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