

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5782 of 2018

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

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1. Bhairo Giri S/o Late Vyas Giri,
 2. Sabhapati Giri S/o Late Kailash Giri, Bodh R/o Village- Sughari Ke Mathiya, P.S.- Bhagwanpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home Affairs, Govt. Of Bihar. an
2. Rajeshwar Singh S/o, R/o Village- Senudurakha Tola, Kali Tola, P.S.- Basantpur, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Rai
For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-12-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The learned counsel for the petitioners submits that O.P. No. 2 herein had filed an application under Section 144 of the Cr.P.C in which the petitioners herein were opposite parties before the SDM, Maharajganj in which notices were issued on 18.10.2016.

3. The learned counsel for the petitioners next submits that the proceeding under Section 144 Cr.P.C. was converted in a proceeding under Section 145 Cr.P.C. giving rise to Case No. M-1090 of 2016 and thereafter order dated 24.08.2017 was



passed by the learned SDM, Maharajganj in Case No. M-1090 of 2016 whereby the property in dispute was attached under Section 146(1) Cr.P.C. and a receiver has been appointed.

4. The learned counsel for the petitioners, after arguing vehemently for some time, submits that petitioners would be satisfied in the event if the present quashing application is disposed of with a direction to the SDM, Maharajganj to adjudicate and dispose of the Case No. M-1090 of 2016 under Section 145 Cr.P.C. within a time frame.

5. The learned APP for the State does not object the submission made by the learned counsel for the petitioners.

6. Considering the submission made by the learned counsel for the petitioners, the present quashing application is disposed of with a direction to the SDM, Maharajganj to ensure that Case No. M-1090 of 2016 (Rajeshwar Singh Vs. Bhairo Giri Singh & Ors.) is disposed of in accordance with law within a period of six months from the date of receipt/production of a copy of this order.

(Satyavrat Verma, J)

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