

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.583 of 2019

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

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1. ASHARFI THAKUR S/o Late Janak Thakur Resident of Nagar Panchayat Sheohar, Ward No. 14, P.S.- Sheohar, Distt.- Sheohar
 2. Ramadhar Thakur S/o Late Manna Thakur Resident of Nagar Panchayat Sheohar, Ward No. 14, P.S.- Sheohar, Distt.- Sheohar
 3. Vinod Thakur S/o Late Chalitra Thakur Resident of Nagar Panchayat Sheohar, Ward No. 14, P.S.- Sheohar, Distt.- Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mohan Thakur S/o Ramashish Thakur Resident of Nagar Panchayat Sheohar, Ward No. 14, P.S.- Sheohar, Distt.- Sheohar
3. Radhe Thakur S/o Ramashish Thakur Resident of Nagar Panchayat Sheohar, Ward No. 14, P.S.- Sheohar, Distt.- Sheohar
4. Madan Thakur S/o Ramashish Thakur Resident of Nagar Panchayat Sheohar, Ward No. 14, P.S.- Sheohar, Distt.- Sheohar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The instant revision application is directed against an order dated 22.01.2019 passed in Case No.376 of 2015 by the learned Sub-Divisional Officer, Sheohar whereby and whereunder, the petitioners were directed not to create any obstruction to the opposite party no.2 to use the disputed plot as a public thoroughfare (Rasta). It appears that the order was



passed on 22.01.2019, it is submitted by the petitioners that the said order remains enforce till date, this Court fails to comprehend, as to how an order under Section 147 of the Cr.P.C. remains enforce for an unlimited period where the issue involved is relating to easementary right of the parties over the disputed property. The dispute between the petitioners and the opposite parties is absolutely civil in nature and it cannot be resolved by an order passed by the learned Executive Magistrate.

3. In view of such circumstances, this Court holds that the impugned order is bad in law and was passed beyond the jurisdiction of the learned Magistrate.

4. Accordingly, the impugned order is set aside and the instant revision application is allowed.

(Bibek Chaudhuri, J)

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