

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.276 of 2017

Arising Out of PS. Case No.-143 Year-2014 Thana- JHANJHARPUR District- Madhubani

Md. Jafir and Ors.

... .. Petitioner/s

Versus

State Of Bihar and Anr.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shrinandan Pd. Singh, Adv.
	:	Mr. Kumar Sameer, Adv.
	:	Mr. Atul Prakash, Adv.
For the Respondent/s	:	Mr. Baleshwar Kawat, Adv.
For the State	:	Mrs. Madhuri Lata, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 21-04-2023

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the O.P. No.2.

The present Cr. Revision has been filed against order dated 05.11.2016, passed by A.C.J.M.-I, Jhanjharpur, in Case No. TR 1487 of 2016/ G.R. No. 1127 of 2014, arising out of Jhanjharpur (Araria Sangram) P.S. Case No. 143/14, by which the Trial Court has rejected the petition for discharge filed under Section 239 of the Cr.P.C.

Counsel for the petitioner has raised a question of law before this Court that from the content of the F.I.R. it transpires that the land belongs to *masjid* and question of encroachment ought to be raised by the *Waqf* Board and not by a

private party. As such, the entertainment of the case itself is illegal and on this ground only, the discharge should be made.

Counsel for the State has supported the contention of the counsel for the petitioner and submits that the for property of the *Waqf* Board, *Waqf* is entitled but the *Waqf* Board has not come forward, rather, from the content of the F.I.R. it transpires that private person has raised the plea and pursuing this case.

Counsel for the O.P. No. 2 submits that it is a *masjid*, not registered with the *Waqf* Board, rather, the owner of the land has established the *masjid* and in this regard, has prepared a document about the functioning of the said *masjid*. In the record also it has not mentioned that it is dealt by the *Waqf* Board. Counsel submits that in the ordersheet under challenge, it has categorically been stated by the Court that the defence has claimed that no registration took place in Jhanjharpur registry but from the documents available to this Court, it was very much clear that the said registry was made in the Jhanjharpur. The Court has also contended the materials in different paragraphs.

In this view of the matter, after going through the documents available on record, as well as, hearing the

arguments of the party, this Court is of the firm view that this case is maintainable and there is no need to interfere in the order dated 05.11.2016, passed by A.C.J.M.-I, Jhanjharpur, in Case No. TR 1487 of 2016/ G.R. No. 1127 of 2014 arising out of Jhanjharpur (Araria Sangram) P.S. Case No. 143/14.

Accordingly, the present Cr. Revision Application stands dismissed .

(Dr. Anshuman, J.)

Ashishsingh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	