

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38064 of 2016

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

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1. Radha Prasad @ Radha Kumhar and Ors
 2. Vishwanath Prasad @ Vishwanath Kumhar
 3. Dhananjay Prasad @ Dhananjay Kumhar
 4. Sanjay Prasad @ Sanjay Kumhar All sons of Late Banshi Kumhar All residents of village Tetari, P.S. Chanari, District Rohtas.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Kripa Narayan Kumhar son of Rogi Kumhar resident of village Tetari, P.O. Mamrejpur, P.S. Chenari, District Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 21-04-2023 This application has been filed for quashing the order dated 11.04.2016 passed in Case No. 51 of 2016 by which the learned Sub Divisional Magistrate, Sasaram at Rohtas has passed the order against the petitioners for the dispute with regard to the Land situated at Mauza Tetari survey Khata No. 80 Plot No. 368 area 2 decimal and plot no. 369 area 6 decimals which was converted into Section 145 of the Code of Criminal



Procedure.

The present case is pending in the Court of learned Sub Divisional Magistrate, Sasaram at Rohtas and on 30.01.2016 before the S.D.M. Sasaram at Rohtas the opposite party had filed a petition for dispute with regard to the land situated at Mauza Tetari, P.S. Chenari, Survey Khata No. 80, Plot No. 368 measuring an area 2 decimals and plot no. 369 measuring an area 6 decimals and plot no. 367 measuring an area 8 decimals.

It has been submitted by the learned counsel for the petitioner that Title Suit No. 539 of 2015 is pending in the Court of Sub-Judge I, Rohtas at Sasaram for the same property and the present proceeding is barred as there is a title suit going on and the impugned order has been issued illegally.

None appears for the opposite party no. 2.

In view of the on going title suit between the parties, the proceedings under Section 145 Cr.P.C. should not have continued between the parties.

In view of the above, this application is allowed and the order dated 11.04.2016 passed in Case No. 51 of 2016 by learned Sub Divisional Magistrate, Sasaram at Rohtas is hereby quashed.



This application stands allowed.

(Sandeep Kumar, J)

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