

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10403 of 2016

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

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1. Indrajeet Mishra son of Ram Vyash Mishra
 2. Akhileshwar Mishra son of Keshao Mishra.
 3. Rajendra Singh Son of Late Sivnath Singh
 4. Jaimangal Dhobi @ Jaimangal Baitha son of Dwarika Dhobi
 5. Pujan Singh @ Sipujan Singh Son of Ram Nagina Singh
 6. Lakhichand Ram Son of Ram Niyadi Ram
 7. Ramesh Singh son of Parsan Singh

All resident of Village- Mahila, P.S.- Kudhani, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Banshnarayan Mishra Son of Late Jamuna Mishra, Resident of Village- Mahila, P.S.- Kudhani, District- Kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey
For the Opposite Party/s : Mr.Ram Chandra Singhapp

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 13-09-2023 The present petition has been filed for quashing the order dated 19.6.2013, passed by the learned Sub-Divisional Magistrate, Mohania, District-Kaimur at Bhabua, in connection with Case No. 36(M) of 2010 under Section 146(1) of the Code of Criminal Procedure, 1973, whereby and whereunder the land in question has been seized and the Officer-in-Charge has been directed to maintain peace at the said spot.

2. At the outset, the learned counsel for the petitioners has



referred to Section 146(1) of the Code of Criminal Procedure, 1973, especially proviso thereof, which reads as follows:-

“Provided that such Magistrate may withdraw the attachment at any time if he is satisfied that there is no longer any likelihood of breach of peace with regard to the subject of dispute.”

3. The learned counsel for the petitioners has thus submitted that the petitioners are purchasers of the land in question and the opposite party no. 2 has filed a title suit in which they are parties, hence, there is no longer any likelihood of breach of peace, thus, the petitioners be granted liberty to approach the learned Court of Sub-Divisional Magistrate, Mohania, District-Kaimur, for revoking / withdrawing the order of attachment dated 19.6.2023. Liberty, so sought, is granted.

4. Accordingly, the present petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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