

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69498 of 2024

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

Babni Devi W/o- Nandu Saw Village- Barah Ps- Belchhi Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda Bihar
3. The Superintendent of Police, Nalanda Bihar
4. The Deputy Superintendent of Police, Biharsharif, Nalanda Bihar
5. The Sub Divisional Officer, Biharsharif, Nalanda Bihar
6. The Circle Officer, Harnaut Nalanda Bihar
7. The SHO Harnaut, Nalanda Bihar
8. The Anchal Amin, Harnaut, Nalanda Bihar
9. Mantri Devi Wife of Late Ramdeo Prasad Village- Mobarakpur Ps- Ben Dist- Nalanda, P/A- Adarsh Nagar, Harnaut Ps- Harnaut, Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 28-11-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application has been filed for quashing the order dated 24.06.2024 passed by the Sub Divisional Officer passed in Case No. 28 (M.P.)/2024 u/s 144 of the Cr. P.C., whereby and whereunder the petitioner was directed to not continue the construction of her house situated at Mauza Sabnahua, Thana No. 213, Khata No. 121, Plot No. 2227, area



3.125 decimal.

3. Learned counsel has submitted that the said order was passed by the Court below beyond the jurisdiction. Learned counsel has further submitted that as per Section 144 (4) “no order under this section shall remain in force for more than two months from the making thereof”. The proceeding under section 144 of the Cr. P.C. was initiated on 26.04.2024 and the order was passed on 24.06.2024 by the lower court below. The said period of two months has already expired so the said order has lost its force and the same has become infructuous.

5. learned APP for the State has opposed the prayer of the petitioner.

6. Considering the above facts and circumstances of the case as well as the materials available on record, the said order dated 24.06.2024 has lost its force and has already become infructuous.

7. Accordingly, the present quashing application is disposed of.

(Chandra Prakash Singh, J)

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