

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.506 of 2024

In
CRIMINAL MISCELLANEOUS No.8864 of 2015

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

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1. ANIL SAO SON OF LATE RAMCHANDRA SAO RESIDENT OF MOHALLA - PURANI SARAI ROAD, JEHANABAD TOWN, P.S., TOWN AND DISTRICT - JEHANABAD
 2. ARJUN GUPTA SON OF LATE JANGLU SAO RESIDENT OF MOHALLA - PURANI SARAI ROAD, JEHANABAD TOWN, P.S., TOWN AND DISTRICT - JEHANABAD
 3. SURENDAR KUMAR SAO SON OF LATE DEOKI SAO RESIDENT OF MOHALLA - PURANI SARAI ROAD, JEHANABAD TOWN, P.S., TOWN AND DISTRICT - JEHANABAD

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. VIPIN BIHARI SHARMA SON OF LATE KRISHNADEO SHARMA RESIDENT OF MOHALLA - GARARIA KHAND, P.S. - TOWN, DISTRICT - JEHANABAD
3. ANIL KUMAR SHARMA SON OF VIPIN BIHARI SHARMA RESIDENT OF MOHALLA - GARARIA KHAND, P.S. - TOWN, DISTRICT - JEHANABAD

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar Sharan, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-02-2024 Heard the parties.

2. Earlier Cr. Misc. No. 8864 of 2015 was disposed of on 15.02.2023.

3. Now, modification petition has been filed vide Cr. Misc. No. 506 of 2024, in which it has been stated that in paragraph-3 (i), the date has been recorded as 20.06.1942 which



should have been 02.06.1924. Further, the Rajbhog has been recorded instead of Ragbhog in the same paragraph.

4. The next contention is in paragraph-4 again the date has been recorded as 02.06.1942 instead of 02.06.1924. Lastly, it has been submitted that in paragraph-5 the date instead of 10.10.1989 should have been 10.01.1989. Further, at page No. 5 in paragraph-10 the date 15.07.2014 should be replaced by 25.07.2014 and in paragraph-15 the date 25.07.2011 be read as 25.02.2014.

5. Accordingly, necessary changes be made in the said paragraphs.

6. Paragraph-3 (i) reads as follows:

3. (i) there is/was a piece of land on Plot No. 233, Khata No. 50 at Purani Sarai, Jehanabad which originally belonged to Tetri Telin, she was issueless who dedicated the rooms to the 'idol' of the 'Radhe Krishna Jee' by registered deed dated 02.06.1924 with a provision to utilize the income from the property for the 'Ragbhog' and 'Srinagar' of the 'deity' installed in the room.

7. Para 4 reads as follows:

The case of the Opposite party Nos. 2 and 3 is/are that the land originally belong to Tetri Telin which was dedicated by



registered deed on 02.06.1924 to 'deity' Radha Krishna Jee. Further after the death of Tetri Telin, Pandit Jadunandan Sharma let out the property on rent to Sheolakhan Sah and after his death, his son has given vacant possession to Opposite Party No. 2 in 1989.

8. Para 5 reads as follows:

5. During the revisional survey, it was recorded in the name of the father of O.P. 2, Krishnadeo Sharma and there was no 'idol' of 'Shri Radha Krishna Jee' in the property under proceeding. However on 10.01.1989, they found a new 'idol' of 'Shri Radha Krishna Jee' installed over the property and as stated above, the police submitted a report for initiation of proceedings under Section 144 of 'the Cr.P.C'.

9. Para 10 reads as follows:

10. On 14.02.2013, the petitioners came to know that on 04.11.2006 itself, although the name of Sri Ramchandra Sao was deleted but without substitution of his name, the date for hearing was fixed. However, immediately thereafter, the substitution petition was filed which remained pending. On 25.07.2014 the revision application was taken up and on the very same day, it was dismissed.

10. Para 15 read as follows:



15. Learned counsel for the informant, on the other hand, took this Court to the order sheet to show that learned Adhoc Additional Session Judge-IV, Jehanabad in the very first line of order dated 25.02.2014 stated that 'attendance' has been filed on behalf of the revisionist- petitioner- Ramchandra Sao as well as on behalf of the Opposite Party- Respondent, Vipin Bihari Sharma & Ors. The case has been called out repeatedly but no one appeared on behalf of the revisionist up to 4:00 O' Clock. However, opposite party is present"

11. The modification application (Cr. Misc. No. 506 of 2024) is allowed with aforesaid modification.

(Rajiv Roy, J)

Adnan/-

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