

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61133 of 2017

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

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1. Niranjana Prasad Singh and Ors Son of Late Dr. Babua Nand Singh,
 2. Navin Kumar, Son of Niranjana Prasad Singh,
 3. Sushil Kumar @ Chandan Kumar, Son of Niranjana Prasad Singh,
 4. Smt. Sabita Devi, Wife of Niranjana Prasad Singh, All resident of Village- Chiniabela, P.O.P.S.- Punpun, Dist- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Nandeshwar Singh, Son of Late Dr. Babua Nand Singh,
3. Mukesh Kumar, Son of Nandeshwar Singh, Both Opposite Party No.2 and 3, resident of Village- Chinia Bela, P.O. and P.S.- Punpun, District- Patna, at present residing at Village- Pakari, P.O. and P.S.- Punpun, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Nawal Kishore Kashyap
For the Opposite Party/s :	Md. Nazir Ansari
	Mr. P. Pd. Narayan Shahi

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 14-07-2025 Heard learned counsels for the parties.

2. This is an application filed for quashing/setting aside the order dated 17.06.2017 passed by the Sessions Judge, Patna in Cr. Rev. No.317 of 2017 (Niranjana Prasad Singh & Ors. vs. The State of Bihar & Ors.). With regard to and order confirmed the order dated 11.02.2017, passed by learned Executive Magistrate, Masaurhi, in case no.26 of 2006 (Nandeshwar Singh vs. Niranjana Prasad Singh & Ors.).

3. Learned counsel for the petitioners has submitted that the observation/suggestion of the Executive Magistrate,



Masaurhi, Patna, is against the order dated 14.05.2008 in Second Appeal No.381/1998.

4. Mr. Shahi, learned counsel for the opposite party no.2 has submitted that the impugned order is nothing but a suggestion of the Executive Magistrate. Once the order dated 14.05.2008 was passed, the Executive Magistrate could not have pass any order or suggestion.

5. In these circumstances, this application is allowed.

6. The order dated 17.06.2017, passed by Sessions Judge, Patna in Cr. Rev. No.317 of 2017 and the order dated 11.02.2017, passed by the learned Executive Magistrate, Masaurhi in case no.26 of 2006 is set aside with liberty to the opposite party to approach this Court in the pending Second Appeal for any clarification.

(Sandeep Kumar, J)

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