

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59236 of 2023

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

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Gauri Shankar Singh Son Of Sudama Singh Village Pandeypur Police Station
Neura District Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna Bihar
2. The District Magistrate, Patna Bihar
3. The Senior Superintendent Of Police, Patna Bihar
4. The Sub Divisional Magistrate, Danapur, Patna Bihar
5. The Circle Officer, Bihta, Patna Bihar
6. The Officer-In-Charge, Ps- Neura (Op), Bihta, Dist- Patna Bihar
7. Guddu Gope Son Of Ramdayal Rai Resident Of Village And Po- Painal, Ps- Bihta, Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv.
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, APP
For the Respondent	:	Mr. Kuldeep Kumar, Adv.
		Mr. JiTendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 19-06-2025

1. Heard the parties.

2. That this application is being filed for quashing

the report of Circle Officer, Bihta as contained in letter no.

1895 dated 13.07.2023 along with Inspection report,

whereby whereunder proposal for initiating a proceeding u/s

144 of the Code of Criminal Procedure (Cr. P.C.) with regard

to ancestor land of the petitioner appertaining to Khata no.

1544, Plot no. 8606 and 8546, situated in Mauza Painal,



measuring an area of 2 acres and 08 decimals and further the petitioner prays for issuance of a direction to the opposite parties/authorities to provide all necessary protection for construction of his boundary wall by the petitioner.

3. It appears that order dated 22.08.2023 passed by SDM, Danapur under Section 144 of the Cr.P.C. is the subject matter of the present quashing petition.

4. It would be apposite to reproduce Section 144 of Cr.P.C. for the sake of convenience and to understand the position of law in better manner :-

144. *Power to issue order in urgent cases of nuisance or apprehended danger .—*

(1) In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate or any other Executive Magistrate specially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case and served in the manner provided by section 134, direct any person to abstain from a certain act or to take certain order with respect to certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety or a disturbance of the public tranquillity, or a riot, or an affray.

(2) An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed



ex parte.

(3) An order under this section may be directed to a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.

(4) No order under this section shall remain in force for more than two months from the making thereof:

Provided that, if the State Government considers it necessary so to do for preventing danger to human life, health or safety or for preventing a riot or any affray, it may, by notification, direct that an order made by a Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification.

(5) Any Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under this section, by himself or any Magistrate subordinate to him or by his predecessor-in-office.

(6) The State Government may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made by it under the proviso to sub-section (4).

(7) Where an application under sub-section (5) or sub-section (6) is received, the Magistrate, or the State Government, as the case may be, shall afford to the applicant an early opportunity of appearing before him or it, either in person or by pleader and showing cause against the order; and if the Magistrate or the State Government, as the case may be, rejects the application wholly or in part, he or it shall record in writing the reasons for so doing.

5. From the perusal of sub-clause 4 of Section

144 as mentioned above, it appears that the legal life of any order passed under this Section shall remain in force for only 2 months subject to any notification of extension by State



Government. In case of extension even it cannot be exceeded for more than 6 months.

6. Admittedly, there is no any notification of State Government for extension of impugned order dated 22.08.2023, and therefore it appears that same expired after 60 days, in view of Section 144 (4) of Cr.P.C., accordingly, it appears that order under challenge become infructuous.

7. Accordingly, the present quashing petition stands dismissed being infructuous.

8. Let this judgment be communicated to court concerned forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2025
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