

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30781 of 2021**

Chanda Devi W/O Vinod Kumar Singh R/O Village-Mujan, P.O-Mujan, P.S-Mohania, District-Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Satyanarayan Singh S/O Late Sunder Singh R/O Village And P.O-Mujan, P.S-Mohania, District-Kaimur (Bhabhua).

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raj Bansh Dubey  
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

4      03-02-2026                      Heard the learned counsel for the petitioner and the learned counsel for the State.

2. This application has been filed for quashing the order dated 24.07.2019, passed by the learned Sessions Judge, Kaimur at Bhabua, in Criminal Revision No. 16/19 and also for quashing the order dated 25.04.2017, passed in M. Case No. 8/2017 by the learned S.D.M., Mohania, Kaimur, whereby possession under Section 145 of the Cr.P.C. was declared.

3. The learned counsel for the petitioner submits that the initiation of proceeding under Section 144 and 145 during the pendency of F.A. No. 30 of 2011 is not permissible in law. In support of his submission, he relies upon a judgment of this Court passed in the case of *Janardan Rai @ Janardan Raut &*



***Ors v/s The State of Bihar & Ors*** passed in C.W.J.C. No. 4254 of 2019.

4. The Judgment of the Hon'ble Supreme Court in the case of ***Deo Kuer & Another vs. Sheo Prasad Singh & Ors.*** reported as ***AIR 1966 SC 359*** was relied upon by this Court in the case of ***Janardan Rai @ Janardan Raut & Ors (Supra)***.

5. Considering the afore-quoted decisions, this Court is of the view that initiation of proceedings during the pendency of first appeal and passing of orders are illegal, therefore the impugned orders are unsustainable in the eyes of the law.

5. Accordingly, this application is allowed and the order dated 24.07.2019, passed by the learned Sessions Judge, Kaimur at Bhabua, in Criminal Revision No. 16/19 and the order dated 25.04.2017, passed in M. Case No. 8/2017 by the learned S.D.M., Mohania, Kaimur are hereby quashed.

**(Sandeep Kumar, J)**

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