

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49320 of 2016**

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1. Smt. Rupam Singh , wife of Dr. Surendra Singh.
2. Dr. Surendra Singh, son of late Jainandan Singh.
3. Gautam Kumar @ Gautam Singh, son of Dr. Surendra Singh.
4. Ganni Singh
5. Hunny Singh  
Both daughter of Dr. Surendra Singh  
All resident of K-36, Hanuman Nagar, Kankarbagh, P.S.- Patrakar Nagar, P.O.- Lohiya Nagar, District- Patna, at present 5/371, Jaipur Kothi, IInd Floor in front of 33 M.I.G., Kankarbagh, Patna-20
6. Ujjwal Kumar @ Ujjwal Kr. Singh, son of Ravindra Nath Singh, resident of flat no. 903, Block-14, Sector-I, NGHC, P.S.- Hotwar, District- Ranchi, Jharkhand.
7. Shubrant Singh @ Shibu Singh @ Shubrant Kumar, son of late Binay Singh, resident of mohalla- Kadamkuan, P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Dr. Nagendra Prasad Singh
3. Dilip Kumar
4. Deepak  
Sl. 2 to 4, Sons of late Jainandan Singh, resident of K-36, Hanuman Nagar, P.S.- Patrakar Nagar, P.O.- Lohiya Nagar, District- Patna.

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                                                                                                             |
|----------------------------|---|-----------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Dinu Kumar, Advocate<br>Mr. Vardaan Manglam, Advocate<br>Ms. Ritika Rani, Advocate<br>Mr. Arvind Kumar Sharma, Advocate |
| For the State              | : | Mr. Akshay Lal Pandit, APP                                                                                                  |
| For the Opposite Party(s): | : | Mr. Shrinandan Prasad Singh, Sr. Advocate<br>Mr. Mukund Kumar, Advocate                                                     |

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**CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH**  
**ORAL JUDGMENT**

**Date : 28-07-2026**

Heard Mr. Dinu Kumar, learned counsel for the  
petitioners duly assisted by Ms. Ritika Rani, learned  
counsel, Mr. Akshay Lal Pandit, learned Additional Public



Prosecutor for the State and Mr. Shrinandan Prasad Singh, learned senior counsel appearing for the opposite parties duly assisted by Mr. Mukund Kumar, learned counsel.

2. This application has been preferred assailing the order dated 11.03.2016 passed by the learned District & Sessions Judge, Patna in Cr. Revision No. 785 of 2015, whereby the revision application so preferred by the petitioners has been disposed of with observation that findings recorded by the Sub-Divisional Magistrate, Patna in Misc. Case No. 1035 of 2015 under order dated 21.11.2015 in a proceeding under Section 144 Cr.P.C. with respect to possession of the petitioners cannot be observed under such aforesaid proceeding of 144 Cr.P.C.

3. Aggrieved by the aforesaid order of the learned District & Sessions Judge, Patna, whereby he has refused to record a finding favouring petition or with respect to possession, in a proceeding under Section 144 Cr.P.C., the instant application has been preferred.

4. The main premise on which the learned counsel for the petitioners raised his argument is Annexure 6, which is the “no objection” letter issued by the Peoples’ Cooperative House Construction Society Ltd., in favour of the petitioner No. 1, wherein at the request of Late Bimla Devi, mother of the



petitioner no. 1, the aforesaid Society issued no objection certificate in the following words :-

*“Further, Society has no objection in sanction of residential house building Plan on the aforesaid plot of land K1-36 held by Smt. Rupam Singh from the Patna Municipal Corporation under the provision of present Building Bye-Laws of the Corporation.”*

Whereafter, the Sub-Divisional Magistrate, Patna Sadar, vide order dated 21.11.2015 passed in Misc. Case No. 1035 (M) of 2015, while disposing of the said application has given observation in the following words :-

“अभिलेख पर उपलब्ध कागजात जो द्वितीय पक्ष द्वारा न्यायालय में प्रस्तुत किया गया है, उसमें मुख्य रूप से श्रीमती विमला देवी द्वारा श्रीमती रूपम सिंह के पक्ष में निष्पादित निबंधित केवाला की छायाप्रति, अपने पिता से प्राप्त बैंक चेक की छायाप्रति (तीन फर्द में) एवं वर्णित भूखण्ड के संबंध में श्रीमती रूपम सिंह द्वारा अपने पुत्र/पुत्री को पिपुल्स को-ऑपरेटिव हाउसिंग कंस्ट्रक्शन सोसाइटी में नोमिनी बनाने हेतु दिये गये आवेदन की छायाप्रति एवं सोसाइटी द्वारा निर्गत, नोमिनी प्रमाण-पत्र की छायाप्रति, बिजली बिल जो द्वितीय पक्ष श्रीमती रूपम सिंह, पति-सुरेन्द्र सिंह, के-36 हनुमान नगर के नौम से निर्गत है, की छायाप्रति एवं सोसाइटी द्वारा निर्गत लगान रसीद की छायाप्रति न्यायालय में दाखिल किया गया है, जबकि प्रथम पक्ष के द्वारा अपने केस के प्रमाण में कोई भी निबंधित दस्तावेज अपने दावे के संबंध में न्यायालय में प्रस्तुत नहीं किया गया है। सिर्फ आवेदन के माध्यम से ही अपने पिता द्वारा श्रीमती रूपम सिंह को दिये गये पैसे से क्रय की गई भूमि की बात को अंकित किया गया है, जिसके आधार पर प्रथम पक्ष के दावा पर विचार करना उचित प्रतीत नहीं होता है, जबकि द्वितीय पक्ष अपने दावे के संबंध में सभी तरह के साक्ष्य प्रमाण स्वरूप दाखिल किये हैं, जिससे विवादित भूमि पर इनका दावा उचित प्रतीत होता है। उक्त स्थिति में प्रथम पक्ष के आवेदन को अस्वीकृत करते हुए वाद की कार्यवाही समाप्त की जाती है। संबंधित थाना को सूचित करें।”

Against the said order passed by the Sub-Divisional Magistrate, Patna, Sadar, the O.P. No. 2 preferred the Criminal Revision No. 785 of 2015 before the learned District and



Sessions Judge, Patna which was disposed off by him under order dated 11.03.2016 in the following words :-

*“Since finding of genuineness of the claim or possession cannot be recorded in a proceeding U/s 144 Cr.P.C., the same is bad in law and shall not affect the future right of the parties.”*

5. The learned senior counsel for the Opposite Parties submits that the petitioners, on the strength of order passed by the Sub-Divisional Magistrate, Patna Sadar and no objection letter issued by the aforesaid construction society, has sought possession and title over the aforesaid piece of land/property which he is legally not entitled to. The no objection letter issued by the Peoples' Cooperative House Construction Society Ltd is merely a procedural formality that too at the request of Late Bimla Devi, who is the sole owner of the said property and he further points out that proceeding under Section 144 Cr.P.C. can never be relied upon for ascertaining one's right or claim over any piece of property. The learned District & Sessions Judge has rightly disposed off the application filed by the O.P. No. 2 observing that with respect to possession, no mention could be made in the order of revision.

6. The learned Additional Public Prosecutor for the State also submits that this application has practically become



infructuous as the order passed by the Sub-Divisional Magistrate, Patna Sadar, in a proceeding under Section 144 Cr.P.C. has life of sixty days only and thereafter, it loses its efficacy and validity. Now, this petition is pending only for the purpose of academic discussion and nothing else could be decided herein.

7. After having heard learned counsel for the respective parties and in view of the aforesaid observation made hereinabove, this Court does not find any merit in this application for the present and as such this application is disposed off.

**(Rana Vikram Singh, J)**

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