

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9801 of 2016**

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

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Bhagwan Prasad @ Bhagwan Das Sahani Son of Late Ramdahni Mahto, R/o  
Mohalla Malahi Pakari, P.S. - Kankarbagh, Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Raghuni Mahto, S/o Late Bulkan Mahto, R/o Mohalla Malahi Pakari, P.S. -  
Kankarbagh, District - Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate  
Mr .Sanjay Kumar @ Manu, Advocate  
For the Opposite Party/s : Mr. Jagdhar Prasad App

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

6      08-01-2026                      Heard Mr. Krishna Pd. Singh, the learned Senior  
  
Counsel for the petitioner, the learned counsel for the State and  
  
the learned counsel for the O.P. No. 2.

2. The hard copy of the counter affidavit filed on  
behalf of the O.P. No. 2 is taken on record.

3. This application has been filed for quashing the  
order dated 04.12.2014 in criminal revision No. 115 of 2000  
passed by the Learned Additional District and Session Judge-III,  
Patna and passed in connection with case No. 1136(M)/ 1981,  
under section 145 of Cr. P.C. by which the prayer of petitioner  
was refused without considering the real facts of the instance  
case. This case is also connected with Case No. 1201(M) of



1976.

4. The dispute between the parties is pending since 1981 before the S.D.M., Sadar, Patna. This appears to be a civil dispute regarding the title over the land in question which cannot be decided by the learned Magistrate. The Title can be decided by the District Court.

5. In these circumstances, this application is disposed of with liberty to either of the parties to move before the District Court for declaration of their right, title and interest. The impugned order passed by the Magistrate under 145 Cr.P.C. and the Revisional Order shall not come in the way of decision of title by the District Court.

6. The Status-quo as on today shall be maintained for eight weeks to enable the parties to file a title suit in District Court along with the Injunction application.

**(Sandeep Kumar, J)**

Shishir/-

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