

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2082 of 2024

1. Kasif Alam @ Md. Kasif Alam son of Late Aslam Village -Matgana PS -Kasba Distt- Purnea
2. Quamar Alam son of Majahar Hussain Village -Matgana PS -Kasba Distt- Purnea

... .. Petitioners

Versus

1. The State of Bihar
2. Collector /District Magistrate, Purnea Bihar
3. Sub-Divisional Magistrate Sadar, Purnea Bihar
4. Abdul Ahad Son of Abdul Wahab village- Majgama, Ps- Kasba, Dist- Purnea
5. Abdul Nasar son of Abdul Wahab village- Majgama, Ps- Kasba, Dist- Purnea
6. Abdul Mannan son of Abdul Wahab village- Majgama, Ps- Kasba, Dist- Purnea
7. Zahan Ara Wife of Abu Nasar village- Majgama, Ps- Kasba, Dist- Purnea
8. Rahmati Khatoon Wife of Abdul Mannan village- Majgama, Ps- Kasba, Dist- Purnea
9. Abdul Razique son of Abdul Jaffar village- Majgama, P.S- Kasba, Dist- Purnea

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Birandra Nath Mishra, Advocate Mr. Bijendra Kumar Singh, Advocate
For the State	:	Mr. Saurav Kumar, AC to G.A.5
For the Respondent No. 4 to 9	:	Mr. Fazle Karim, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT

Date : 24-07-2026

The present writ petition has been preferred by the petitioner against the impugned order dated 12.08.2024 passed by learned Sub-Divisional, Magistrate in case No.752 of 2024 under Section 163 B.N.S.S, 2023 whereby learned Executive Magistrate has initiated the proceeding under Section 163



B.N.S.S. and issued show cause and subsequently, the order dated 08.10.2024 was passed by learned Magistrate holding that a matter is pending before competent Civil Court between the parties in regard to the matter. Hence, till final disposal of the Civil Suit before the Civil Court, both the parties including the Petitioner were directed to maintain the status quo.

2. It further transpires that this order was challenged by the Petitioner before the Court of Sessions in Criminal Revision No. 161 of 2024 which was disposed of by order dated 16.01.2025 passed by learned Sessions Judge holding that the life of the order passed under Section 163 B.N.S.S. is 60 days unless it is specifically extended, but there is no such extension and more than 60 days has already passed. Hence, the order dated 08.10.2024 passed by learned Executive Magistrate lost its force, and hence, the Revision Petition was held to be dismissed as infructuous.

3. Learned counsel for the Petitioner submits that despite the order of the Revisional Court, local police is still preventing the Petitioner from visiting the property in question, which is his residential house, nor is he allowing any electric or construction work, despite the fact that there is no interim prohibitory order by the Civil Court, where civil dispute is



pending between the parties. The police is saying that the Revisional Court has not set aside the order dated 08.10.2024, and hence, that order is still effective. Hence, the Petitioner has moved this Court.

4. However, learned counsel for the State concedes that the order dated 08.10.2024 has lost its force and it is no longer in operation and no party is bound by this order. Parties are required to obtain any interim relief from Civil Court.

5. Learned counsel for the Respondent No.4 to 9, who are private Respondents fairly concedes that as per the statutory provisions, any order passed under Section 163 B.N.S.S. has force only for 60 days unless it is specifically extended. Even the upper limit of the operation of order is 6 months even by way of extension.

6. I considered the submissions advanced by the parties and perused the material on record.

7. It transpires that this writ petition has been occasioned on account of misinterpretation of the Revisional order dated 16.01.2025 by the police.

8. It is clarified that in the light of Revisional Court order, the order dated 08.10.2024 is not in operation or effect. No party is bound by this order. Parties are free to approach Civil Court,



where Civil Suit is pending consideration between the parties,
for any interim relief if required..

9. Accordingly, the present writ petition stands disposed
of.

(Jitendra Kumar, J.)

Chandan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2026
Transmission Date	28 .07.2026

