

IN THE COURT OF SATYA BHUSHAN ARYA, SESSIONS JUDGE, BANKA

Kumar Ashutosh Ravi @ Alok Yadav Versus The State of Bihar & Anr.

Criminal Revision No. 27 of 2026

Date of filing : 10.04.2026

Date of order : 07.05.2026

*Kumar Ashutosh Ravi @ Alok Yadav son of late Rabindra Prasad Yadav,
resident of village Dhankudia, p.s. Khesar, district Banka*

..... Petitioner/Revisionist

-Versus-

1. State of Bihar

*2. Vimal Kumar Roy son of late Rampravesh Narayan Rai, resident of
village Dhankudia, p.s. Khesar, district Banka*

..... Opposite Party

*Present : - Sri Dharmendra Kumar Jha, Advocate for the Petitioner
Sri Randhir Prasad Singh, A.P.P. for the State
Sri Ram Kishore Yadav, Advocate for O.P. No. 2*

ORDER

*1. Disgruntled with the order dated 24.03.2026, passed by the learned
SDM, Banka in Miscellaneous Case No. 441 of 2026, this revision application
has been filed by Kumar Ashutosh Ravi @ Alok Kumar with the submissions
that on the basis of report of Circle Officer, Fullidumar the learned SDM,
Banka initiated proceeding under Section 163 BNS and issued notice to the
both parties and restricted them to go on the land in question. It is pleaded
that the learned SDM, Banka by ignoring the documentary evidence as well as
factual matrix has passed the impugned order. It is pleaded that the opposite*

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party no. 2 is trying to grab his property in question. It is pleaded that the learned SDM, Banka has passed the impugned order against law without adopting the procedure of the provisions of BNSS 2023.

- 2. The opposite party no. 2 as well as trial court record was summoned.*
- 3. Learned counsel for the petitioner/revisionist in his oral arguments reiterated the contents of the revision petition and submitted that on the basis of application of opposite party no. 2, the proceeding under Section 163 BNSS was initiated by the learned trial court whereas the matter in hand is purely of a civil nature. It is submitted that the property in question is in the name of his grandfather Tarni Prasad. The opposite party no. 2 has no connection or nexus of any kind with the property in question. It is submitted that a civil suit is also pending in the Civil Court.*
- 4. In counter, learned counsel for the opposite party no. 2 as well as State in their oral arguments submitted that the impugned order is well reasoned and sustainable and the revisionist could not show any reason as to why the impugned order under challenge is reviseable and is not good.*
- 5. Heard rival submissions and perused the record. On the record, there is a report filed by Manoj Kumar, Circle Officer, Fullidumar, vide latter no. 844, dated 28.07.2025, wherein the owner of property has been shown Tarni Prasad and Idar Prasad son of Daroga Mandal and for the last two-three*

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years, Kumar Ashutosh Ravi has been shown in physical possession. In this situation, this court could not see any reason as to why both the parties are restrained from going to the land in dispute. In the opinion of this court, the learned trial court has no jurisdiction to restrain true owner of the property from managing its affairs. More particularly, when a civil suit is pending for adjudication. Therefore, in the opinion of this court, the impugned order is not sustainable and perverse against law; resultantly, the impugned order dated 24.03.2026, passed by the learned SDM, Banka in Miscellaneous Case No. 441 of 2026 is hereby set aside.

5. File be consigned to the record room and that of trial court be sent back with a copy of this order.

Announced on 07.05.2026

*This order contains 3 pages,
all signed by me.*

(Dictated)

*(Satya Bhushan Arya)
Sessions Judge, Banka*