

**In the Court of Sri Sanjay Kumar Singh, Addl. S.J., Manjhaul
(Begusarai)**

Criminal Revision No-23/2020

In the matter of :

1. Pankaj Kumar, aged about-42 Yrs, s/o-Ram Chandra Roy
 2. Bhikhar Roy @ Niraj Roy, aged about-35 Yrs, s/o-Ramchand Roy
- Both are r/o-vill-Gopalpur, P.S-Cheria Bariyarpur, District-Begusarai

.....Revisionists

Versus

1. The State of Bihar
 2. Ram Shanker Roy, s/o-Ram Uday Roy
- r/o-vill-Gopalpur, P.S-Cheria Bariyarpur, District-Begusarai

.....Opposite Parties

Advocate for the Petitioner:- Smt. Sweta Kumari, Ld. Amicus Curiae

Advocate for the Opposite Party:- Sri Rakesh Kumar, Ld. APP

Date of Order-03.06.2026

Present:-

**Sanjay Kumar Singh
Addl Sessions Judge,
Subdivisional Civil Court,
Manjhaul, Begusarai**

ORDER

1. The present revision petition was taken up for hearing. Despite repeated calls, no one appear on behalf of revisionist even today also. In order to avoid delay in the administration of justice Smt. Sweta Kumari Id. Advocate was appointed as amicus curiae in the present case to assist the court. Accordingly, this court heard the Id. Amicus curiae as well as Id. APP appearing on behalf of opposite party.

2. This Criminal Revision has been preferred u/s-397, 398 of Cr.P.C. against the impugned order dated 10.12.2019 passed by Ld. Sub-divisional Magistrate, Manjhaul, in Case No.-291M/2019 whereunder and whereby the Ld. SDM, Manjhaul has initiated a proceeding u/s-107 Cr.P.C and directed to appear in person before his court on 16.12.2019 and file a show cause as to why they should not be ordered to execute a bond of Rs.1,00,000/ with two sureties of the same amount for one year for maintaining peace.

3. Being aggrieved and dissatisfied by the impugned order dated 10.12.2019 the revisionists/petitioners have filed the memo of revision petition on following grounds:-

(i) That the order dated 10.12.2019 is erroneous on the facts and bad in law passed by Id. SDM, Manjhaul;

(ii) That the Id. SDM, Manjhaul failed to spirit of law, hence he came to wrong conclusion;

(iii) That the Id. SDM, Manjhaul without applying judicial mind and initiated the aforesaid proceedings; and

(iv) That the order dated 1.12.2019 is incomplete, vague and indefinite, hence it is fit to be set-aside.

4. The case of revisionists in brief is that the proceeding in question has been initiated on the basis of a police report which is one and collusive having no concern with the reality at all. From the perusal of the order dt.10.12.2019 by which the proceeding under section 107 Cr.P.C. has been initiated, it transpires that there is land dispute between the parties but the learned court below started proceeding under section 107 Cr.P.C. against both the parties vide order dated 10.12.2019 whereby he ordered them to appear in person in his court on 16.12.2019 and file a show cause as to why they should not file a bond of Rs.1,00,000/ with two

sureties of the same amount for maintaining peace for one year.

5. The Ld. Addl. P.P. has submitted that the order passed by the Ld. Court below bears no illegality and has been passed in accordance with law. The order dated 10.12.2019 passed by SDM, Manjhaul in Case no-291M/2019 is legal and proper and not challengeable. The revisionists have filed this revision only with a view to harass the O.P. No-02. Hence, the revision petition filed by the revisionists are devoid of merit and liable to be dismissed.

POINT FOR DETERMINATION

6. The only point for determination in this revision petition is- **Whether the order dated 10.12.2019 is correct, legal & proper or the same warrants any interference by this revisional court?**

7. Having heard the Ld. Amicus Curie for the revisionists as well as Ld. APP for opposite party and from the perusal of record it transpires that the instant Criminal Revision Case has been filed against the order dt.10.12.2019 passed by Ld. S.D.M. Manjhaul, whereby the Ld. Lower Court has initiated a proceeding u/s-107 Cr.P.C against both the parties and ordered them to appear in person in his court on 16.12.2019 and file a show cause as to why they should not file a bond of Rs.1,00,000/ with two sureties of the same amount for maintaining peace for one year in Case no. 291M/2019 on the basis of report of Officer in-charge Cheriabariyarpur that in Cheriabariyarpur P.S. Case no.169/2019 an incident could occur between the parties at the spot at any time, so it is necessary to initiate proceeding u/s-107 Cr.P.C. against them. Whereas the objection of revisionists is that the Ld. Lower Court has failed to understand the spirit of law and without applying his judicial mind, came to wrong conclusion and initiate the aforesaid proceeding.

8. Now, before coming to test the merit of the impugn order, the relevant provision of section 107 of Cr.P.C./126 BNSS is reproduced herein below for easy reference-

Section- 107 Cr.P.C./126 BNSS- Security for keeping the peace in other cases—(1) When an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity and is of opinion that there is sufficient ground for proceeding, he may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond 1[with or without sureties,] for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.

(2) Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act as aforesaid beyond such jurisdiction.

9. So, it is crystal clear from bare perusal of the provision of Section-107 Cr.P.C./126 BNSS as reproduced herein above that when an Executive Magistrate receives information that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act, within his jurisdiction, he may, require such person to show cause why he should not be ordered to execute a bond with or without sureties for keeping the peace and public tranquillity. It means the Id. SDM may initiate proceeding u/s-107 Cr.P.C./126 BNSS against any person within his jurisdiction in the case of breach of peace or disturbance of public tranquillity or any wrongful act. From perusal of the impugn order dated 10.12.2019, it transpires that in the course of proceedings of the case, the Learned Court below has initiated

proceeding u/s-107 Cr.P.C. against both sides. The Learned S.D.M., Manjhaul has passed this order after being satisfied by the report of Officer in-charge Cheriabariyarpur that there is considerable tension and strong possibility of breach of peace between the parties regarding land dispute, assault and verbal abuse and after considering that it is expedient to initiate such proceeding in order to prevent breach of peace or disturbance of public tranquillity, which is the requirement of the provision. So, in my considered opinion, the order dt.10.12.2019 does not suffer from any sort of illegality, irregularity and jurisdictional error. The impugned order is just, proper, within jurisdiction and based on facts and law.

10. Further, from perusal of the impugn order, it transpires that the order in the Case no. -291M/2019 has been passed on dated 10.12.2019 whereas, it appears from perusal of Section 107 Cr.P.C. that Learned Sub-Divisional Magistrate, is empowered to pass such an order within his local jurisdiction requiring the party, “.....to show cause why he should not be ordered to execute a bond for keeping the peace”, Further perusal of Section 107 of Cr.P.C., goes to show that it has been specifically provided therein that- **“For such period, not exceeding one year as the magistrate thinks fit:”** So, it is crystal clear from bare perusal of the provision of Section 107 Cr.P.C. as reproduced herein above that no order under this section shall remain in force for more than **one year** period from the making thereof. On perusal of impugned order itself, it appears that the order has been passed on 10.12.2019 to initiate a proceeding u/s-107 Cr.P.C against the revisionists too and ordered them to appear in person in his court on 16.12.2019 and file a show cause as to why they should not file a bond of Rs.1,00,000/ with two sureties of the same amount for maintaining peace for one year, which period has already been elapsed. Moreover, during the pendency of this revision, no overt act was reported. Demonstrably, the impugned order was passed on 10.12.2019, as such, the statutory period of its force has expired and

in efflux of time, it turned **infructuous**. It also transpires from the case record that the revisionists have left pairvi since 06.07.2020 in the case which also shows that the revisionists themselves have no interest to proceed with the case.

11. So, from careful perusal of the entire facts and circumstances brought on the judicial record, having gone through all the facts and circumstances, I come to an irresistible conclusion to hold and find that the impugned order passed by S.D.M, Manjhaul on 10.12.2019, in Case no. 291M/2019, does not suffer from any sort of illegality, irregularity and jurisdictional error. The impugned order is just, proper, within jurisdiction and based on facts and law. So, I further find and hold that the impugned order does not warrant any interference by this Revisional Court. Hence, the Criminal Revision is hereby stands **dismissed**.

Let the Lower Court record be sent back, along with a copy of this order.

(Sanjay Kumar Singh)
Addl. Sessions Judge,
Manjhaul, Begusarai
Dated-03.06.2026

This order is pronounced in the open court today. The order is given under the hand and seal of this Court on this 03rd day of June 2026 at Manjhaul, Begusarai. This order contains 6 [six] pages and all the pages bear my signature.

(Sanjay Kumar Singh)
Addl. Sessions Judge,
Manjhaul (Begusarai)
Dated-03.06.2026