

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

Criminal Revision No-34/2022

In the matter of :

Masommat Maya Devi, aged about-50 Yrs, w/o-Late Madan Sharma, r/o-
Manjhaul, P.S-Cheria Bariyarpur, District-Begusarai

.....Revisionist

Versus

The State of Bihar

.....Opposite Party

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. 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 opposit party.

2. This Criminal Revision has been preferred u/s-397 of Cr.P.C. against the impugned order dated 02.12.2021 passed by Sub-divisional Magistrate, Manjhaul, in Case No.-204M/2021 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 11.12.2021 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 02.12.2021 the revisionist/petitioner has filed the memo of revision petition on following grounds:-

- (i) That the order of Id. Lower court is bad in the eyes of law and fit to be set aside;*
- (ii) That the Id. Lower court erred on both on law and on facts;*
- (iii) That the Id. Lower court has passed the order in the mechanical way;*
- (iv) That the order of Id. Lower court is vague and cryptic and it cannot disclose who is the aggressor;*
- (v) That the Id. Lower court should have taken into account that issuance of such type of notice can curtail liberty;*
- (vi) That the order of Id. Lower court is otherwise illegal; and*

4. The case of revisionist 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.02.12.2021 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 02.12.2021 whereby he ordered them to appear in person in his court on 11.12.2021 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 02.12.2021 passed by SDM, Manjhaul in case no-204M/2021 is legal and proper and not challengeable. The revisionist has filed this revision only with a view to harass the O.P. Hence, the revision petition filed by the revisionist is 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 02.12.2021 is correct, legal & proper or the same warrants any interference by this revisional court?**

7. Having heard the Ld. Amicus Curiae for the revisionist 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.02.12.2021 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 11.12.2021 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. 204M/2021 on the basis of report of SHO Manjhaul O.P. that there is considerable tension and strong possibility of breach of peace between the parties regarding land dispute, assault and verbal abuse at any time at the spot, so it is necessary to initiate proceeding u/s-107 Cr.P.C. against them. Whereas the objection of revisionist is that the Ld. Lower Court has passed a vague and cryptic order which cannot disclose who is aggressor and he failed to understand that such type of order can curtail liberty.

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 02.12.2021, 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 revisionists. The Learned S.D.M., Manjhaul has passed this order after being satisfied by the report of the SHO of the Manjhaul O.P. that there is considerable tension and strong possibility of breach of peace can occur between the parties regarding land dispute, assault and verbal abuse at any time at the spot 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. 02.12.2021 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. 204M/2021 has been passed on dated 02.12.2021 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 02.12.2021 to initiate a proceeding u/s-107 Cr.P.C against both the parties and ordered them to appear in person in his court on 11.12.2021 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 02.12.2021, 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 18.09.2023 in the case which also shows that the revisionist herself has 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 02.12.2021, in Case no. 204M/2021, 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