

COURT OF PRABHAT KRISHNA, ADDITIONAL SESSIONS JUDGE-IV, BHAGALPUR

Criminal Revision No.-01/2026

Ankit Kumar Pandey Vs. State of Bihar.

Ankit Kumar Pandey, 31 years, S/o Ashok Kumar Pandey.....Petitioner
Vs

1. The State of Bihar.....O.P. Ist party

2. Anju Kumari, W/o Manoj Kumar Roy.....O.P. IInd party.

**[Criminal Revision against order dated 16.10.2025 passed by the learned Court of S.D.J.M.,
Bhagalpur in G.R. Case No. 2485/2024 arising out of Bhagalpur Mahila P.S. Case No. 32/2024]**

Counsel for the Petitioner :- Sri Kumar Ranbir Mishra, Ld. Advocate

Counsel for the State/ O.P. Ist party :- Sri P.P. Singh, Ld. Addl. P.P.

Counsel for the O.P. IInd party :- Sri Mrityunjay Kumar Singh, Ld. Advocate

27th day of July, 2026

**PRESENT :- PRABHAT KRISHNA
IVth ADDL. SESSIONS JUDGE
BHAGALPUR**

ORDER

1. This criminal revision application has been filed on behalf of the revisionist/accused which has been preferred against the order 16.10.2025 passed by the learned Court of S.D.J.M., Bhagalpur in G.R. Case No. 2485/2024 arising out of Bhagalpur Mahila P.S. Case No. 32/2024 whereby and whereunder the learned Court below has been pleased to dismiss the discharge petition filed on behalf of the accused/revisionist u/S 239 of the Cr.P.C.

2. I have heard learned counsels for the revisionist/accused and informant as well as learned Addl. P.P. appearing for the State and perused the case record.

3. The brief facts, which may be adverted to for the disposal of this criminal revision, is that an FIR relating to Bhagalpur Mahila P.S. Case No. 32/2024 got registered on the basis of written report of informant Anju Kumari who stated, in short, that she married off her daughter Saloni Priya to accused Ankit Pandey on 11.02.2022. It is alleged that after one month of marriage, accused started assaulting his wife in inebriated condition and on lodging complaint NOIDA Police had reached at their residence before whom the accused executed a bond whereafter he was let off but he didn't mend his ways. It is alleged that in the night of 26.11.2022 accused Ankit Pandey assaulted his wife Saloni Priya and ousted her from the residence whereafter she waited for one year in the hope of settlement but to no avail. It is further stated that a petition was given to Bishrakh Police Station, NOIDA on 6.01.2024 in which counselling was going on but in the meantime the informant came to know about second marriage of her son-in-law Ankit Pandey with another girl Shikha Kumari whereafter she

lodged present F.I.R.

4. On the basis of the said written report, Bhagalpur Mahila P.S. Case No. 32/2024 got registered u/Ss 498(A), 341, 323, 494, 34 of the I.P.C. as well as u/S 34 of the D.P. Act against Ankit Pandey and his parents. The I.O., after completion of investigation, submitted chargesheet finding the accusations true against only one accused namely Ankit Pandey, who is revisionist herein, for the offences punishable u/Ss 498(A), 341, 323, 494, 34 of the I.P.C. as well as u/S 34 of the D.P. Act and gave clean chit to rest two named accused persons. The learned Court below, agreeing with the police report, took cognizance accordingly against sole accused Ankit Pandey vide order dated 09.12.2024. After entering appearance, a discharge petition under Section 239 of the Cr.P.C. came to be filed on behalf of accused Ankit Pandey on 16.07.2025 which resulted into dismissal vide order dated 16.10.2025 which is impugned order herein.

5. Being aggrieved by and dissatisfied with the impugned order, the revisionists/accused person has preferred the present criminal revision.

6. Learned counsel for the revisionist/accused person submitted that all the occurrence took place at NOIDA where petitioner was residing with his wife and therefore Bhagalpur Mahila Police Station has got no jurisdiction to register the F.I.R. He further submitted that informant's daughter is a habitual drinker and she doesn't want to reside with the petitioner, hence no offence u/S 498(A) of the I.P.C. as well as u/S 34 of the D.P. Act is made out. He lastly submitted that the allegation of second marriage of revisionist is based on hearsay evidence and prayed to set aside the impugned order.

7. Per contra, learned Addl. P.P. for the State assisted with learned Counsel for the informant submitted that the learned Magistrate has rightly passed the impugned order as per materials available on record and as such no interference is warranted.

8. It is specifically alleged in the F.I.R. that accused/revisionist used to assault his wife Saloni Priya just after their marriage and he was habitual in taking alcohol and beating his wife in inebriated condition. The informant has mentioned specific date in her written report and stated that in the night of 26th of November, 2022 accused ousted his wife Saloni Priya from their residence after beating her and though the informant and her daughter waited for one year in the hope of restoration of good relation but to no avail. The informant herself mentioned about filing of a petition before Bishrakh Police Station at NOIDA in which

counselling was going on but after coming to know about the second marriage of accused with another girl she lodged present F.I.R. In his restatement, as mentioned in para 2 of the case diary, the informant has supported the allegation as levelled in the F.I.R. and specifically stated that the accused started demanding dowry just after the engagement and filed copy of her bank statement to show transfer of fourteen lakh rupees through three cheques and also filed proof of google transaction showing payment of one lakh two thousand rupees by Saloni Priya in favour of her husband Ankit Pandey before and after the marriage. Informant also levelled allegation against the accused stating that he used to compel her daughter to offer alcohol to him and his friends which is also supported by petitioner's wife Saloni Priya in her statement as recorded in para 6 of the case diary. Witness Manoj Kumar Rai, in his statement as recorded in para 7 of the case diary, has also stated about demand of dowry and cruelty committed by accused petitioner. Witnesses Rakesh Kumar, Govind Kumar, Avnish Kumar and Shiv Kumar Rai in their respective statements, as mentioned in para 19, 20, 26 and 27 of the case diary, have stated on the point of second marriage of Ankit Pandey with Shikha Kumari having taken place on 01.05.2024 at Rannuchak temple. I.O. has procured the picture of second marriage of Ankit Pandey with Shikha Kumari which is mentioned in para 31 of the case diary. The supervising authority has found the case true against this accused and the I.O., finding the sufficient materials and complicity of this accused in this case, submitted chargesheet for the offences punishable u/Ss 498(A), 341, 323, 494, 34 of the I.P.C. as well as u/S 34 of the D.P. Act and learned Court below, agreeing with the police report, took cognizance accordingly.

Learned counsel for the revisionist vehemently argued on the point of jurisdiction to lodge the present F.I.R. at Bhagalpur saying that no occurrence took place within the jurisdiction of Bhagalpur. Section 182(2) of the Cr.P.C. says that any offence punishable under Section 494 of the I.P.C. may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the offender last resided with his or her spouse by the first marriage or the wife by first marriage has taken up permanent residence after the commission of offence. From perusal of case diary it transpires that second marriage was solemnized within the jurisdiction of Bhagalpur District and after estranged relationship Saloni Priya has been residing at Bhagalpur. The bank from which payment was made by informant to accused situates in Bhagalpur. Further, the Hon'ble Supreme Court, in the case of **Rupali Devi Vs State of U.P., (2019) 5 SCC 384**, has observed that the Courts at the place where the wife

COURT OF PRABHAT KRISHNA, ADDITIONAL SESSIONS JUDGE-IV, BHAGALPUR

Criminal Revision No.-01/2026

Ankit Kumar Pandey Vs. State of Bihar.

takes shelter after leaving or driven away from the matrimonial home on account of acts of cruelty committed by the husband or his relatives would also have jurisdiction to entertain a complain alleging commission of offence u/S 498(A) of the I.P.C.

9. It is well settled that at the stage of framing of charge, the learned Magistrate is not required to weigh the evidences and only prima facie material is to be seen by the Court to see whether there are grounds for presuming that the accused has committed an offence or not. The learned Magistrate can discharge the accused only when he considers the charge against the accused to be groundless. At this stage, the Court is not to see whether there is sufficient ground for conviction of the accused or whether the trial is sure to end in conviction. The standard of test and judgment which is to be finally applied before recording finding regarding the guilt or otherwise of the accused is not exactly to be applied at the stage of deciding the matter u/S 227 or u/S 228 of the Cr.P.C. Reading Sections 227 and 228 Cr.P.C. together, it would be clear that at the beginning and initial stage of trial the truth, veracity and effect of the evidence which the prosecutor proposes to adduce are not to be meticulously judged. Nor is any weight to be attached to the probable defence of the accused. At the initial stage, if there is strong suspicion which leads the court to think that there is ground for presuming that the accused has committed an offence then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused.

10. In view of the foregoing discussions, I do not find any illegality, incorrectness or impropriety in the impugned order and as such, it does not require any interference. The order passed by the learned court below is well discussed and reasoned one. In the result, the impugned order under challenge is hereby confirmed and this criminal revision is hereby ***dismissed.***

Dictated and corrected by me

Sd/-

(Prabhat Krishna)
IVth Addl. Sessions Judge
Bhagalpur
27.07.2026

Date of judgment/order	27-07-2026
Date of Reserving judgment/order	-
Uploading Date	03-08-2026
Uploaded by	Stenographer