

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

Criminal Revision No.-14/2026

Nav Prabhat & Ors. Vs. State of Bihar & Anr.

1. Nav Prabhat, S/o Sri Sadanand Singh
2. Sadanand Singh, S/o Late Chourasi Mahto
3. Sunita Devi W/o Sri Sadanand SinghPetitioners

Vs

1. The State of Bihar
2. Rachana Kumari, D/o Dinesh MandalOpposite parties

[Criminal Revision against order dated 17-01-2026 passed by the learned Court of Sri Ambuj Kumar Dubey, J.M.1st Class, Bhagalpur in Complaint Case No. 141/2024]

Counsel for the Petitioner :- Sri Sujit Kumar Singh, Ld. Advocate

Counsel for the State/O.P. party No. 1:- Sri B.K. Sah, Ld. Addl. P.P.

Counsel for the O.P. party No. 2:- Sri Manoj Kumar, Ld. Addl. P.P.

17th day of July, 2026

PRESENT :- PRABHAT KRISHNA
IVth ADDL. SESSIONS JUDGE
BHAGALPUR

ORDER

1. This Criminal Revision application, filed on behalf of the petitioners/accused persons, has been preferred against the order dated 17-01-2026 passed by the learned Court of Sri Ambuj Kumar Dubey, J.M.1st Class, Bhagalpur in Complaint Case No. 141/2024 whereby and whereunder the learned Judicial Magistrate has discharged sole accused namely Nav Prabhat, who alone was summoned u/S 204 of the Cr.P.C, from Section 420 of the I.P.C. but at the same time found sufficient materials to frame charge u/S 4 of the Dowry Prohibition Act against three accused persons namely Nav Prabhat, Sadanand Singh and Sunita Devi and fixed the record for framing of charges against them.

2. Heard learned counsels for the petitioners and O.P. No. 2 as well as learned Addl. P.P. appearing for the State/O.P. No. 1 and perused the case record.

3. The brief facts, which may be adverted to for the disposal of this criminal revision application, is that complainant/O.P. No. 2 filed a complaint petition against altogether four named accused persons namely Nav Prabhat, Sadanand Singh, Sunita Devi and Navneeta Kumari with the allegations, in short, that complainant came in contact with accused Nav Prabhat, for the first time, on 08.02.2021 through facebook and thereafter it continued and both of them fell in love in course thereof. This accused also told the complainant that he has succeeded in S.I. examination and is undergoing training and expressed his desire to marry her.

It is alleged that on 03.08.2023 and 21.09.2023, accused Nav Prabhat called the complainant to meet at Vinit Hotel where both of them stayed together throughout the day and assuring the complainant about the marriage he established physical relation with her. Complainant alleges that accused Sadanand Singh and Sunita Devi, who happen to be the parents of accused Nav Prabhat, called complainant's father to discuss about the marriage ceremony but when complainant's father went at the house of accused, they demanded cash Rs. 5 lakhs in dowry and also Rs. 2 lakhs for ornaments to which complainant's father agreed. It is further alleged that Sadanand Singh and Sunita Devi alongwith their daughter Navneeta Kumari came at complainant's house on 13.12.2023 to fix the date of marriage and on that day complainant's father gave Rs. 2,51,000/- in cash, as a gift for marriage, but Sadanand Singh and Sunita Devi told him to pay the rest amount on 22.01.2024 and the date of marriage was fixed as 15.02.2024. It is lastly alleged that though complainant's father was ready to pay the rest amount but accused persons told him to pay Rs. 10 lakhs saying that their son has now become Sub Inspector of Police and also told that complainant is an ugly girl and finally refused to go for marriage.

On the basis of said complaint petition, S.A. of the complainant and evidences of four inquiry witnesses the learned Court was pleased to pass summoning order finding prime facie case being made out u/S 420 of the I.P.C. against only one accused Nav Prabhat and ordered for the issuance of summons. Record reveals that after entering appearance, complainant examined altogether five witnesses during the course of before charge evidence and after closing of before charge evidence a petition for discharge came to be filed on behalf of sole accused Nav Prabhat u/S 245 of the Cr.P.C. over which complainant filed its rejoinder and after hearing, though the learned Court below was pleased to discharge accused Nav Prabhat from Section 420 of the I.P.C. but at the same time found prime facie sufficient materials to frame charge u/S 4 of the Dowry Prohibition Act against three accused persons namely Nav Prabhat, Sadanand Singh and Sunita Devi and fixed the record for framing of charge vide order dated 17.01.2026 which is impugned order herein.

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

5. As per contention of the petitioners as stated in criminal revision petition, impugned order is bad in law and wrong on facts and is fit to be set aside as it is illegal and full of

irregularities. According to learned Counsel, the impugned order amounts to second order of cognizance on the same facts and it further amounts to reviewing its own order which is not permissible in law. He further submitted that no fresh material has been brought on record from that what has been brought at the stage of inquiry. It is further submitted that the first part of the impugned order discharging the accused Nav Prabhat from Section 420 of the I.P.C. is correct but second part of the impugned order is incorrect on the ground that the learned Court has got no jurisdiction to review its own order. It is lastly submitted that there is no evidence of demand of dowry and no notice or summon was issued to other accused persons while passing the impugned order and prayed to allow this criminal revision by setting aside the second part of the impugned order maintaining the first part by which accused Nav Prabhat was discharged from Section 420 of the I.P.C.

6. Per contra, learned Addl. P.P. for the State as well as learned counsel for the O.P. No. 2 submitted that the order passed by the learned Court below is legal, just and proper. According to learned counsel, the learned Court below has rightly passed the impugned order as per materials available on the record, so it does not warrant interference.

FINDINGS

7. Learned Counsel for the revisionists/accused persons submitted that first part of the impugned order by which accused Nav Prabhat has been discharged from Section 420 of the I.P.C. is correct but the second part of the impugned order by which two other accused persons namely Sadanand Singh and Sunita Devi have been summoned along with accused Nav Prabhat to face trial is incorrect. According to learned counsel, the learned court below should not have summoned two accused Sadanand Singh and Sunita Devi at this stage. This submission is wholly misconceived. The learned court below has exercised its power u/S 319 of the Cr.P.C. in summoning two accused persons namely Sadanand Singh and Sunita Devi who were not summoned at the initial stage when summoning order was passed u/S 204 of the Cr.P.C.. So far as the stage is concerned, it is mentioned in Section 319(1) Cr.P.C. that where, in the course of any inquiry into, or trial of, an offence, it appears from the evidence that any person not being the accused has committed any offence for which such person could be tried together with the accused, the court may proceed against such person for the offence which he appears to have committed. Thus, from bare perusal of Section 319 Cr.P.C. it is clear that power under Section 319 Cr.P.C. can be used not only at the stage of trial but also during the

course of inquiry. Further, the word evidence used in section 319 Cr.P.C. does not mean that it has to be tested by cross examination. Power u/S 319 Cr.P.C. can be exercised at the stage of completion of examination-in-chief and Court does not need to wait said evidence to be tested by cross-examination for it is the satisfaction of the Court which can be gathered from the reasons recorded by the Court, in respect of complicity of some other person, not facing the trial in the case. Again, only a prima facie case is to be established from the evidence led before the Court, of course it requires much stronger evidence than mere probability of his complicity. In **Hardeep Singh Vs State of Punjab & Ors. AIR 2014 SC 1400**, the Hon'ble Supreme Court held that the test that has to be applied is one which is more than prima facie case exercised at the time of framing of charge, but short of satisfaction to an extent that the evidence, if goes un rebutted, would lead to conviction.

In the case at hand, though the learned Court below did not find prima facie case being made out against two accused persons namely Sadanand Singh and Sunita Devi at the stage of summoning of accused u/S 204 Cr.P.C. but after entering appearance the complainant examined altogether five witnesses during the course of before charge evidence and on the basis of before charge evidence the learned Court found the evidence against accused Sadanand Singh and Sunita Devi and passed the impugned order. From perusal of evidences of witnesses examined before charge it transpires that all the witnesses have named Nav Prabhat and Sadanand Singh who took active part in negotiation of marriage and date of marriage was also fixed but later on they failed to fulfill the promise of marriage on account of non-fulfillment of their demand of dowry. Witnesses have stated that complainant's parents and others visited the house of accused Nav Prabhat and met with his parents in connection with marriage and Sadanand Singh alongwith others also visited the house of complainant in that connection. Even the date for marriage was also fixed but it could not be materialised because complainant's side failed to fulfill the demand made by Sadanand Singh. All the witnesses have stated that Sadanand Singh demanded ten lakh rupees as dowry for marriage and this is clear from perusal of para 31 of CW1, para 15 of CW2, para 20 of CW3 and Para 23 of CW4 wherein said demand was made by Sadanand Singh. Thus, there is prime facie case against accused Nav Prabhat and his father Sadanand Singh for the offence punishable u/S 4 of the D.P. Act. ***However, this court does not find a prime facie case being made out against accused Sunita Devi as none of the witnesses his whispered her name.*** The first part of

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impugned order by which accused Nav Prabhat was discharged from the offence of cheating punishable under Section 420 of the I.P.C. is also reasoned one and is based on sound reasoning. Situated thus, the impugned order passed by the learned Magistrate to the extent of summoning accused Nav Prabhat and Sadanand Singh is correct, legal and reasoned one which does not require any interference.

8. Accordingly, this criminal revision is hereby ***dismissed*** and the impugned order dated 17.01.2026 passed by the learned Court below is hereby confirmed to the extent as mentioned above.

Dictated and corrected by me

Sd/-

(Prabhat Krishna)
IVth Addl. Sessions Judge
Bhagalpur
17.07.2026

Date of judgment/order	17-07-2026
Date of Reserving judgment/order	-
Uploading Date	29-07-2026
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