

In the court of Sri Deepak Kumar-1, Additional Sessions Judge-II
District- Bhagalpur (Bihar)

Criminal Revision No. - 21 of 2025

Present :- Deepak Kumar-I
Additional Sessions Judge-II,
District - Bhagalpur

Date of Order :- 21.05.2026

In the matter of :-

Sakko Tanti **Revisionist/petitioner**

Versus

State of Bihar

Shankar Mandal @ Shankar Tanti & ors.Opposite Parties

Ld. Counsel for the Revisionist :- Sri Purushottam Kumar, Ld. Adv.
Ld. Counsel for the State :- Sri Rajesh Kumar Singh, Addl. P.P.

(Revision against the order dated 12.12.2024 passed by Sri Ambuj Kumar Dubey, J.M.-1st, Bhagalpur in connection with Complain Case No. 1445/2024).

Order

1. This Revision petition has been preferred against the order dated 12.12.2024 passed by Sri Ambuj Kumar Dubey, Ld. J.M.-Ist, Bhagalpur, vide in connection with Complain Case No. 1445/2024. Whereby and wherein the Ld. Judicial Magistrate, Bhagalpur has dismissed the complain petition.
2. On perusal of the case record, I find that this criminal revision has been filed by the revisionist on dated 05.03.2025 before the Ld.

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Principal Sessions Judge Bhagalpur and the same was admitted on dated 25.03.2025 and the Ld. Principal Sessions Judge, Bhagalpur has been pleased to transfer this revision in this Court on 03.04.2025 for disposal as accordance with law.

3. It has been submitted on behalf of the revisionist that the order passed by Sri Ambuj Kumar Dubey, Ld. J.M.-I, Bhagalpur dated 12.12.2024 in connection with Complain Case No. 1445/2024 is bad in law and the order passed by the Court below is in arbitrarily beyond law and mechanical and notice issued to accused persons on 06.12.2024 before cognizance who have taken law in their hands with dire consequences to complain for which petitioner was filed on 06.12.2024 and the impugned order has been passed upon the misappropriation of the evidence on the record of this case. Ld. Trial Court has ignored the relief of the complainant, hence he prayed that please be allow the revision petition and set aside order dated 12.12.2024 passed by Sri Ambuj Kumar Dubey, Ld. J.M-1st Bhagalpur.

On the other hand Ld. Addl. P.P. appearing on behalf of the state opposed the submission of the revisionist and prayed to dismiss the revision petition.

4. I have gone through the Trial Court Record and it appears that a

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complain case has been filed by the complainant/revisionist stating therein that on 21.07.2024 at about 08:00 a.m. all family members of him were present at home, in the meanwhile, all FIR named accused-persons came at the house of complainant and stated abusing in filthy language and scuffle took place between them and snatched Rs. 1000/-. Thereafter, Shankar Mandal and Dhananjay Mandal wrapped towel in the neck of complainant and with intention to kill pushed towel and other co-accused persons have caught the complainant by which complainant started felling suffocated but the relatives of the complainant came and saved his life and threatened to vacate the house and they fled away from there. Hence, this complain case is lodged.

Further on perusal of the trial court record and I find that after perusal of S.A on the oath and examined the complainant witnesses and the Ld. Trial Court came on the conclusion that neither complainant nor his other witnesses proved prima facie case against the accused-persons, so case of the complainant has been dismissed by the Ld. Trial Court. Having heard both the parties and on perusal of the Trial Court Record it appears that there is land dispute between both the parties and complainant as well as the other witnesses himself stated no other case is pending the Court and after perusal of the entire evidences on S.A. and

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other examined witnesses there is sufficient material available on case record for issuing the notice against the accused-persons. Further, it also appears from the statements of inquiry witnesses that there is a land dispute in between the complainant and the accused persons and as per the evidence there is prima facie material available on record U/s 329 (2), 126 (2), 115 (2), 352, 3 (5) BNS.

5. Considering the facts and circumstances as discussed above, I find that there is also prima facie case made out against the accused/O.P.s and Ld. Trial Court has made error in passing the impugned order dated 12.12.2024. Resultantly, this revision petition stands **allowed** and the impugned order dated 12.12.2024 is **set aside**. Accordingly, the Ld. Trial Court is directed to pass a fresh order in light of evidence available on record.

O/C is directed to send back the Trial Court Record, to the concerned Court alongwith this order for information and needful.

(Dictated and corrected by me)

Sd/-

Sd/-

Additional Sessions Judge-II,	Additional Sessions Judge-II,
District – Bhagalpur.	District – Bhagalpur.
Dated 21.05.2026.	Dated 21.05.2026.