

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

Criminal Revision No. - 67 of 2025

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

Date of Order :- 26.05.2026

In the matter of :-

Archana Anand

..... **Revisionist/petitioner**

Versus

1. State of Bihar

2. Vivek Anand & ors.

.....**Opposite Parties**

Ld. Counsel for the Revisionist

:- Sri Pramod Kumar Yadav, Ld. Adv.

Ld. Counsel for the State

:- Sri Rajesh Kumar Singh, Addl. P.P.

(Revision against the order dated 29.03.2025 passed by Ld. C.J.M., Bhagalpur in connection with G.R. No. 1639/2025 (Arising out of Kahalgaon P.S. Case No. 627/2024)).

O r d e r

- 1.** This Revision petition has been preferred against the order dated 29.03.2025 passed by Ld. C.J.M, Bhagalpur, vide in connection with G.R. No. 1639/2025. Whereby and wherein the Ld. Judicial Magistrate, Bhagalpur has taken cognizance only against accused persons namely Raj Kumari Devi, Abhay Kumar Harsh, Ajay Kumar Malakar and not taken the cognizance against accused persons namely Vivek Anand and Sandhya Devi.
- 2.** On perusal of the case record, I find that this criminal revision has been filed by the revisionist on dated 10.06.2025 before the Ld. Principal Sessions Judge Bhagalpur and the same was admitted on dated 20.06.2025 and the Ld. Principal Sessions Judge, Bhagalpur has been

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pleased to transfer this revision in this court on 25.06.2025 for disposal as accordance with law.

3. It has been submitted on behalf of the revisionist that the order passed by Ld. C.J.M, Bhagalpur on dated 29.03.2025 in connection with G.R. No. 1639/2025 is bad in law and submitted that I.O. has submitted charge-sheet only against three persons namely Abhay Kumar Harsh, Raj Kumari Devi and Ajay Kumar Dinkar (Malakar) and he did not sent up Vivek Anand and Sandhya Devi and I.O. did not find their involvement in the case whereas the informant and her witnesses gave evidence against all the FIR named accused and on the basis charge-sheet submitted by I.O. Ld. Trial took cognizance only against three accused-persons Abhay Kumar Harsh, Raj Kumari Devi and Ajay Kumar Dinkar (Malakar) and rest two witnesses namely Vivek Anand and Sandhya Devi are also main accused in this case and Ld. Trial Court did not see or perused the statement of witnesses namely Archana Anand, Arvind Kumar, Sanju Devi, Vivek Anand, Chulila Devi and all witnesses have supported the prosecution case against the all FIR named accused persons and it is well settled law that only on the basis of strong suspicion charge can be frame and charge-sheet is illegal and arbitrary and not maintainable in the eyes of law and allegation of keeping all jewellery is against Sandhya Devi and she has been given clean chit and Ld. Trial Court must have narrated the involvement of the two left persons and reason of not taking cognizance against them must be mentioined in the cognizance order clearlya nd cognizance order is

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vague and he has not applied his judicial mind in taking the cognizance and cognizance order dated 29.03.2025 is suffers from impropriety and irregularity and it is not maintainable at all in the eyes of law and Ld. Trial Court must have taken cognizance against Vivek Anand (Bhaisur) and Sandhya Devi for the ends of justice. Hence, the prayed that this revision petition may be allow and pass proper order in accordance with law and it is fit to be set aside.

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 an FIR has been filed by the informant Archana Anand stating therein in her written application that her marriage was solemnised with Abhay Kumar Harsh on 11.02.2022 with Hindu Rites and Rituals in which ornaments, cloths, households articles, furniture, T.V. and total Rs. 15 lakh has been give to her as a gift and after marriage she was being tortured by her in-laws. On 22.07.2023 her father went to the house of informant's husband about complain about the misbehaviour of husband of informant to the in-laws of her daughter but they have not pay any heed about the same. There is illicit of her husband with Sandhya Devi. On 22.03.2024 she came to know her husband always used to drink alcohol and her husband threatened to divorce her and the in-laws and husband of informant also took the ornaments of informant. Hence, this FIR is lodged.

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Further on perusal of the Trial Court Record, I find that after perusal of FIR and witnesses the Ld. Trial Court came on the conclusion that cognizance U/s only against accused persons namely Raj Kumari Devi, Abhay Kumar Harsh, Ajay Kumar Malakar and not taken the cognizance against accused persons namely Vivek Anand and Sandhya Devi.

5. Having heard both the parties and on perusal of the Trial Court Record it appears that FIR has been filed by the informant Archana Anand stating therein in her written application that her marriage was solemnised with Abhay Kumar Harsh on 11.02.2022 with Hindu Rites and Rituals in which ornaments, cloths, households articles, furniture, T.V. and total Rs. 15 lakh has been given to her in-laws as a gift and after marriage she was being tortured by her in-laws and her husband and they have also the jewellery of informant and after completion of investigation, the I.O. has submitted charge-sheet only against Raj Kumari Devi, Abhay Kumar Harsh, Ajay Kumar Malakar and not sent up for trail against accused persons namely Vivek Anand and Sandhya Devi and after submission of charge-sheet Ld. Trial Court has taken cognizance only against accused persons namely Raj Kumari Devi, Abhay Kumar Harsh, Ajay Kumar Malakar. On perusal of the case diary para-7 statement of Abhishek Anand (brother of informant), statement of Sanju Devi (mother of informant) and statement of Chuliya Devi has categorically and specifically stated that accused-persons namely Vivek Anand and

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Sandhya Devi have live separately from the informant and not a single word has stated that they have involved in this incident. Para-25 of the case diary is the supervision note which the police has found the case true only against accused persons namely Raj Kumari Devi, Abhay Kumar Harsh and Ajay Kumar Malakar accordingly police has submitted charge-sheet U/s 115 (2), 126 (2), 85, 352, 351 (2), 3 (5) BNS and ¾ of D.P. Act only against accused-persons namely Raj Kumari Devi, Abhay Kumar Harsh and Ajay Kumar Malakar. Thereafter, Ld. Trial Court has rightly taken cognizance U/s 115 (2), 126 (2), 85, 352, 351 (2), 3 (5) BNS and ¾ of D.P. Act only against accused-persons namely Raj Kumari Devi, Abhay Kumar Harsh and Ajay Kumar Malakar on 29.03.2025 and accused-persons namely Vivek Anand is the Bhaisur of informant and Sandhya Devi is the Jethani of informant.

6. From the facts and circumstances as discussed above, I find that there is no any illegality, irregularity, incorrectness or impropriety in the impugned order dated 29.03.2025 passed by Ld. C.J.M, Bhagalpur.

Hence, I hold the impugned order dated 29.03.2025 is legal, correct, proper and regular. Resultantly, this revision petition stands **dismissed.**

O/C is directed to send back the Trial Court Record to the concerned court along-with this order for information and needful.

Sd/-
Additional Sessions Judge-II,
District – Bhagalpur.
Dated 26.05.2026.