

IN THE COURT OF SESSIONS JUDGE

**Buxar, Bihar 802101
Distt. - Buxar, BIHAR.**

Criminal Revision No. 03 of 2024
[Arising out of Complaint Case No. 1184(C)2022]

Present: Kajal Jhamb,
Sessions Judge, Buxar.

Shiv Bihari Yadav @ Shiv Bihari Singh, S/o Ramkripal Yadav,
R/o Village- Nawadiha, Police Station- Dumraon, District- Buxar

.....The Revisionist

versus

1. State of Bihar
2. Ramawati Devi, W/o Shambhu Yadav,
R/o Village + P.O.- Barka Rajpur, Police Station- Simri, District- Buxar
At present residing at Purana Bhojpur Chauk, Police Station- Dumraon, District- Buxar
.....The Opposite Parties

Learned Counsel for Revisionist : Sri Surendra Pati Tiwari, Ld. Adv.
Learned. A.P.P. for the State (O.P. No. 1) : Sri Aditya Kumar Verma

Date of Order: 10th March, 2026

ORDER

The present is judicial verdict on Criminal Revision petition no. 03/2024, filed u/s 397 Cr.P.C. against the impugned order dated-13.10.2023 passed by the Court of Miss Subham Tripathi, Learned J.M.F.C. Buxar in Complaint Case No. 1184(C)2022 titled “Ramawati Devi Vs. Meas Yadav & Others”. Observing a prima-facie case made out u/s 323, 379/34 of I.P.C. the learned Court directed the issuance of summon against revisionist Shiv Bihari Yadav and 03 others by passing the impugned order. Assailing the order, the summoned accused namely Shiv Bihari Yadav has filed the present criminal revision.

Brief facts of the case are that the complainant/O.P. No. 2 Ramawati Devi filed a complaint petition u/s 323, 379, 380, 354(B) of I.P.C. against Byas Yadav, Sushil Yadav, Dharmendra Yadav and Shiv Bihari Yadav in the Court of learned C.J.M. Buxar. On the basis of complaint petition, complaint case no. 1184(C)2022 got registered. The learned C.J.M, Buxar transferred the case record u/s 191(1) of Cr.P.C

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to the Court of Learned J.M.F.C. Buxar for disposal. The learned Court after recording the statement of complainant and the inquiry witnesses, observed in the impugned order that the case has been filed u/s 323, 498(A) of I.P.C. and found a prima-facie case u/s 323, 379/34 of I.P.C made out against Shiv Bihari Yadav and 03 others. The Court summoned the accused by passing the impugned order. Assailing this order, the revisionist/accused Shiv Bihari Yadav has filed the instant Revision Petition.

The Revisionist has challenged the impugned order stating that the order passed by the ld. court below is neither sustainable in the eyes of law nor on the facts of the case. The fact of the matter is that daughter of petitioner namely Sarita Devi filed two cases vide Buxar Mahila P.S. Case No. 23/2018 and Complaint Case No. 103(D.V) 2021 against the complainant/O.P. No. 2. The present complaint case has been filed to counter the same. The learned Court has not properly considered the complaint petition and the statement of the inquiry witnesses. The intent of the complainant is to pressurize petitioner's daughter to compromise the case filed by her. As the order passed by the ld. magistrate is not proper, the same deserves to be set aside. The Counsel on behalf of revisionist argued that the Court did not peruse the content of the complaint petition properly. The Court has observed in its impugned order that the case has been filed u/s 323 and 498A of the I.P.C. wheres the record shows that the case has not been filed u/s 498A of the I.P.C.

Ld. A.P.P. for the state opposed this criminal revision stating that there is no illegality or irregularity in the impugned order passed by the Ld. court below. The order has been passed after having considered material available on the record.

Having perused the impugned order, this court finds that, the Learned Trial Court in its impugned order observed that the case has been filed u/s 323, 498(A)/34 of I.P.C whereas the record shows that the case has been filed u/s 323, 379, 380, 354(B) of I.P.C.

For the reason of this irregularity, the present Revision petition is hereby **allowed** and the impugned order dated 13.10.2023 passed by the Ld. Court below is hereby set aside with a direction to pass a fresh order.

The office is directed to send a copy of this order along with LCR to the Ld. Court below and consign the record of the case to the record room.

Dictated and corrected by me

Sd/-
(Kajal Jhamb)
Sessions Judge, Buxar
Dated 10.03.2026

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(Kajal Jhamb)
Sessions Judge, Buxar
Dated 10.03.2026

Date of reserving order	24.02.2025
Date of Order	10.03.2026
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