

IN THE COURT OF SESSIONS JUDGE

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

**Criminal Revision No. 17 of 2024
[Arising out of Case No. 900(M)2023]**

**Present: Kajal Jhamb,
Sessions Judge, Buxar.**

1. Shreya Lepcha, aged about 22 years, D/o Nim Shring Lepha,
2. Niraj Tamang, aged about 26 years, S/o Suraj Tamang,
3. Nischhal Rai, aged about 22 years, S/o Bhaskar Rai.

All are R/o Village- Kursiyong, Police Station- Kursiyong, District- Darjeeling (West Bengal)

Presently residing at Garden of God School, Golambar, Police Station- Buxar (Industrial District- Buxar

4. Nimit Akhauri @ Pankaj Sinha, aged about 48 years, S/o Late Akhauri Jaideo Narayan Singh, R/o Golambar, Police Station- Buxar Industrial, District- Buxar

.....The Revisionists

versus

1. State of Bihar
2. Dewakar Raj, aged about 25 years, S/o Nand Kishor Singh
R/o Village- Maruti Colony, Police Station- Buxar Industrial, District- Buxar
3. Rahul Raj, aged about 28 years, S/o Manoj Kumar
R/o P.P. Road, Jahaj Ghat, Ward No. 15, Police Station- Buxar Town, District- Buxar
4. Rajnish Tiwary, aged about 34 years, S/o Amalesh Tiwary,
R/o Village- Sohanipatti, P.S. Buxar Town, District- Buxar

.....The Opposite Parties

Learned Counsel for Revisionists : Sri Ravi Ranjan Sinha, Ld. Adv.

Learned. A.P.P. for the State (O.P. No. 1) : Sri Aditya Kumar Verma

Date of Order: 02nd April, 2026

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ORDER

The present is Criminal Revision petition no. 17/2024 filed u/s.- 397 and 399 of Cr.P.C. against the impugned order dated 20.12.2023 passed by the Court of Learned S.D.M., Buxar in Case No. 900(M)2023 titled “Shreya Lepcha & Others Vs. Diwakar Raj & Others”. By passing the impugned order, the Learned Court below issued show cause to the parties of the case asking them to furnish reasons why bonds along with sureties be not sought from them to maintain peace. Aggrieved by the order, the First party of the case namely Shreya Lepcha, Niraj Tamang, Nischhal Rai and Nimit Akhauri @ Pankaj Sinha have filed the present revision petition.

Brief facts of the case are that S.I. Chandeshwar Singh Azad of Buxar Industrial P.S. filed a report vide Buxar Industrial P.S. Non F.I.R. No. 152/2023, dated 04.12.2023 with a request to initiate proceeding u/s 126 B.N.S.S. against both the parties citing tension between them for the reason that an altercation broke out between them over parking motorcycle in front of Durga Puja Pandal. On basis of this report, the Court of Ld. S.D.M., Buxar issued show cause to the parties asking them to furnish reasons why bonds along with sureties be not sought from them to maintain peace. The order has been challenged in the instant revision petition.

The contention of the Revisionist is that the order passed by the Learned Court below is neither in accordance with law nor in accordance with the facts of the case. The impugned order is based on conjectures and surmises. It is completely mechanical and beyond the mandatory provisions of law. It does not mention any specific allegation. The provisions of Section 111 Cr.P.C has not been followed. The learned Court has not applied its mind about the genuineness and truth of allegation. As the order passed by the court is arbitrary and illegal, it deserves to be set aside.

Ld. 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 is a reasoned order and has been passed on the basis of the material available on record.

The main point to consider in present Criminal Revision is whether order dated 20.12.2023 passed by learned S.D.M, Buxar in Case No. 900(M)2023 is liable to be quashed or not?

Heard learned Counsels of both the parties and perused police report filed vide Buxar Industrial P.S. Non F.I.R. No. 152/2023, dated 04.12.2023 available on record,

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wherein preventive action has been recommended to be taken against the parties u/s 126 B.N.S.S. so as to maintain peace in the area. On basis of the police report, the learned S.D.M. Buxar issued show cause to the parties asking them to submit their respective replies as to why they may not be asked to furnish bond of Rs. 1,00,000/- for maintaining public peace.

In the context of the matter, it is appropriate to quote the Hon'ble Allahabad High Court decision in the case of **Vindhyawasani & Others Vs. State of Uttar Pradesh (1976 SCC OnLine All 104)** wherein the Hon'ble Court has observed in para 11 that:-

"11. To sum up the propositions laid down by the above authorities, the test in determining the final or interlocutory nature of an order is one and the same both in civil as well as criminal cases. That test is whether or not the order in question finally disposes of the rights of the parties or leaves from to be determined by the Court in the ordinary way. If the order does not finally dispose of the rights of the parties and the matters in dispute and leaves the suit or case still alive suit in which the rights of the parties have to be determined the order will remain interlocutory irrespective of the stage at which it is passed and also irrespective of the conclusive decision of the subordinate matters with which it deals. Applying this test to an order passed by a Magistrate under Secs. 107/111, Cr.P.C. that order is nothing but interlocutory because it is passed when the Magistrate is of opinion that the information received by him to the effect that any person was likely to commit breach of peace or to disturb public tranquility etc. Was credible. Acting upon that information the Magistrate simply calls upon the person concerned to show cause why he should not be bound down in the prescribed manner. Neither rights of the parties are decided at that stage nor the matter in dispute is finally disposed of. That order is simply procedural in nature. It only gives a notice to the party concerned that there is such and such allegation against him and he should turn up before the Magistrate to clarify his position. Even the correctness of the information received by the Magistrate is not finally decided at that stage nor it is decided whether or not the party concerned should be bound down. These points are to be decided when the case reaches the stage of 116 Cr.P.C."

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In the light of the above mentioned observations of the Hon'ble Court, the impugned order is an interlocutory order. As such, by virtue of Section 438(2) of B.N.S.S. the present Criminal Revision is not maintainable. The parties may file their objection if any, in their respective replies to the show cause issued by the learned S.D.M. Buxar. Hence, the present Criminal Revision is hereby **dismissed**.

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 02.04.2026

Sd/-
(Kajal Jhamb)
Sessions Judge, Buxar
Dated 02.04.2026

Date of reserving the order	19.03.2026
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