

IN THE COURT OF SESSIONS JUDGE

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

Criminal Revision No. 19 of 2025
[Arising out of Dumraon P.S. Case No. 251/2023]

Present: Kajal Jhamb,
Sessions Judge, Buxar.

1. Tilakdhari Mishra, aged about 55 years, S/o Late Yamuna Mishra,
2. Rahul Mishra, aged about 30 years, S/o Tilakdhari Mishra,
3. Ram Ekbal Singh, aged about 60 years, S/o Late Vishwanath Singh

All are R/o Village- Naya Bhojpur, Police Station- Dumraon, Naya Bhojpur, District-
Buxar

.....The Revisionists

versus

1. State of Bihar
2. Parvati Devi, W/o Vijay Kumar Singh

R/o Village- Naya Bhojpur, Police Station- Dumraon (Naya Bhojpur), District- Buxar

.....The Opposite Parties

Learned Counsel for Revisionists : Sri Arun Kumar Rai, Ld. Adv.

Learned. A.P.P. for the State (O.P. No. 1) : Sri Anand Mohan Upadhyay

Learned Counsel for the O.P. No. 2: Sri Devanand Singh, Ld. Adv.

Date of Order: 13th March, 2026

ORDER

The present is judicial verdict on Criminal Revision petition no. 19/2025, filed u/s 440 of B.N.S.S. against the impugned order dated-13.08.2024 passed by the Court of learned C.J.M, Buxar in Dumraon P.S. Case No. 251/2023 titled "State Vs. Suresh Singh & Others". By passing the impugned order, the learned court below took cognizance in the case of the commission of offence u/s 147, 341, 323, 354, 504, 506 of the I.P.C. and directed issuance of process against all the accused persons named in the

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F.I.R. including the petitioners. Aggrieved by the order, the accused (Revisionist) namely Tilakdhari Mishra, Rahul Mishra and Ram Ekbal Singh have filed the instant revision petition.

Brief facts of the case are that the informant Parvati Devi filed a complaint in Dumraon (Naya Bhojpur) Police Station. On the basis of the Complaint, Dumraon P.S. Case no. 251/2023 got registered u/s 341, 323, 379, 308, 504, 506/34 of I.P.C. against nine accused namely Suresh Singh @ Guddu Singh, Ramesh Singh, Dinesh Singh, Kamlesh Singh, Mithilesh Singh, Akhilesh Singh, Ramekbal Singh and Rahul Mishra. After investigation, the investigating officer submitted charge sheet under the alleged sections against the accused Suresh Singh @ Guddu Singh, Ramesh Singh, Dinesh Singh, Kamlesh Singh, Mithilesh Singh and Akhilesh Singh while the other three accused namely Tilakdhari Singh, Rahul Mishra and Ramekbal Singh were reported to be not involved in the commission of the crime. On the basis of the police report, the Id. court below took cognizance in the case for the offence u/s. 147, 341, 323, 354, 504, 506 of the I.P.C. and directed issuance of process against all the F.I.R. named accused including Tilakdhari Singh, Rahul Mishra and Ramekbal Singh. Assailing the order, the summoned accused have filed the instant revision petition.

The Revisionist have challenged the impugned order stating that the order passed by the Id. court below is neither sustainable in the eyes of law nor on the facts of the case. It is asserted that Suresh Singh had filed Dumraon P.S. Case No. 250/2023 against the informant family and for that reason this false case has been lodged against the petitioners as a counter to the same. After investigation in Dumraon P.S. Case No. 250/2023, the I.O. filed charge sheet no. 236/2023 dated 27.07.2023 against Ganesh Singh and kept the investigation pending against other co-accused. The Learned C.J.M, Buxar took cognizance of offence against Ganesh Singh and accepted final form against Sanjay Yadav, Tej Narayan Yadav and Abhishek Kushwaha. In this case too, the I.O. filed final form with respect to petitioner. Despite that, the learned C.J.M, Buxar summonsed these petitioners without assigning any reason for the same. It is against the law to pass two types of order in two cases of similar nature. As the order passed by the Id. magistrate is not proper, the same deserves to be set aside.

Ld. A.P.P. for the state opposed this criminal revision stating that there is no illegality in the impugned order passed by the Ld. court below. The impugned order is a cognizance order, which was passed after having considered the material on record. If the Revisionist is aggrieved and believes that he has been falsely implicated in the case then the appropriate remedy is to file a case u/s 528 of B.N.S.S. (earlier 482 of Cr.P.C.) before the Hon'ble Court. As there is no illegality in the order, there is no scope for interference in the order, at this stage.

Heard the counsels and perused the record. In the context of the matter, this court finds it appropriate to quote the case of **“Bhagwant Singh vs Commissioner of Police And Anr (AIR 1985 SCR (3) 942)** wherein the Hon'ble Supreme Court observed that “Now, when the report forwarded by the officer-in charge of a police station to the Magistrate under sub-section (2)(i) of Section 173 comes up for consideration by the

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Magistrate, one of two different situations may arise. The report may conclude that an offence appears to have been committed by a particular person or persons and in such a case, the Magistrate may do one of three things: (1) he may accept the report and take cognizance of the offence and issue process or (2) he may disagree with the report and drop the proceeding or (3) he may direct further investigation under sub-section (3) of Section 156 and require the police to make a further report. The report may on the other hand state that, in the opinion of the police, no offence appears to have been committed and where such a report has been made, the Magistrate again has an option to adopt one of three courses: (1) he may accept the report and drop the proceeding or (2) he may disagree with the report and taking the view that there is sufficient ground for proceeding further, take cognizance of the offence and issue process or (3) he may direct further investigation to be made by the police under sub-section (3) of Section 156”.

Further, in the case of “**Nupur Talwar vs. CBI (2012) 2 SCC 188**” the Hon’ble Supreme Court observed that “the correctness of the order whereby cognizance of the offence has been taken by Magistrate, unless it is perverse and based on no material, should be sparingly interfered with. If the order passed by the Ld. Magistrate is after due application of mind and is a well reasoned order, the same may not be interfered with”.

Perusal of record further shows that while passing the impugned order, ld. court below acted within its jurisdiction and it exercised its jurisdiction after having gone through the material available on the record. As such, there is no illegality or irregularity committed by the court. The contentions raised by the revisionist are a matter of trial. The court therefore, does not find it appropriate to intervene in the order passed by the ld. Court below. Hence, the present revision petition 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 13.03.2026

Sd/-

(Kajal Jhamb)
Sessions Judge, Buxar

Dated 13.03.2026

Date of reserving order	07.03.2026
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