

In the Court of Sessions Judge, Darbhanga

Criminal Revision No. 146/2025

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1. Rubina Khatoon, wife of Gulab Rabbani
 2. Md. Neyamat @ Md. Nemat, son of late Md. Kaiyum
 3. Md. Kaish, son of Gulab Rabbani

.....Petitioners/Revisionists.

Versus

1. The State of Bihar.....Opposite Ist Party.
 2. Nikhat Praween.....Opposite 2nd Party

For the Revisionist:- Shri Ram Prakash Sharma, learned Advocate.

For the O.P.(State):- Shri Chamak Lal Pandit, learned Addl.P.P.

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ORDER

16-06-2026: The present criminal revision application has been filed against the order dated 20.06.2025 passed in Kamtaul P.S Case No. 380 of 2024 and CRI No. 2582 of 2025 by the Court of learned Chief Judicial Magistrate, Darbhanga whereby and whereunder, the learned Trial Court has been pleased to take cognizance of offence under Section 126 (2), 115 (2), 329 (3), 352, 351 (2), 3 (5) of the BNS against accused Rubina, Md Neyamat and Md. Kaish.

2. Heard the learned counsel for the petitioners as well as learned Addl.P.P. appearing for the State.

3. Perused the record, it appears that the Opposite Party No. 2 was noticed and the record also reflects that no vakalatnama has been filed on behalf of Nikhat Praween, however, her learned advocate has filed her attendance with her aadhar card where she has put her signature reflecting thereby that the Opposite Party No. 2 has ample knowledge about the proceeding, however, since the Court is not proposed to pass any order against the Opposite Party No. 2, hence there is no legal requirement of her hearing.

4. The learned counsel for the petitioner challenging the order submits that the order in revision is bad in law as well as on facts and the order is against the faith of the facts on record and has been passed merely on conjecture and surmises where the learned court below has never applied its judicial mind into the facts and material available on record and where there is no any injury caused to the injured or any one, at the side of the informant, the learned court has been pleased to take cognizance, hence the learned counsel prays to set aside order.

5. On the other hand learned Public Prosecutor opposes the prayer and submits that

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the present criminal revision application filed merely to delay the trial of the learned court and the impugned order has been passed after appreciating all the material available on record and the impugned order does not require any inference by this learned revisional court. Hence he prays to reject the present criminal revision application.

6. Perused the record which arises out of Kamtaul P.S Case No. 380 of 2024 instituted at the behest of Opposite Party No. 2 Nikhat Praveen stating therein that on the alleged day of occurrence of 21.12.2024 at about 10 am of the day while she was alone at her house, meanwhile, all the accused persons namely, Md. Neyamat, Rubina Khatoon Md. Kaish, all forcibly entered into her house and abused her and tried to assault the informant and when it was protested, accused Rubina caught her hold pulled her on the ground and started assaulting her by lathi, danda and also tried to assault her by a sharp cutting weapon meant to cut grass and also threatened that let the informant approach anywhere, anyone because the accused do not have any fear of any administration and previously also on 14.09.2024 all the accused persons had brutally assaulted the complainant causing injury where she was treated at DMCH, Darbhanga, hence the present case.

7. The police took up the investigation and after its completion submitted charge-sheet dated 23.05.2025, finding the allegation against the accused persons to be true and the learned Court below by order impugned got pleased to take cognizance of the offences under Section 126 (2), 115 (2), 329 (3), 350 (2) 351 (2), 3(5) of BNS.

8. Perused the case diary attached with the case record of the learned Trial Court. Para No. 2 of the case diary reflects the re-statement of the informant supporting the occurrence. Para No. 3 is the statement of injured Eid Mohammad who has supported the occurrence by the accused persons. Para No. 6 is the description of place of occurrence. Para No. 24 is the injury report of Eid Mohammad where no external visible sign of injury has been reported, however, the police finding the allegation to be true filed charge-sheet.

9. The Court while considering and appreciating the submissions of the petitioners in background of material on record does not find any force in the submission of the learned advocate, since none of the provisions under which the Court below has taken cognizance requires any visible injury rather, all Sections where the learned Court has taken cognizance only relates to the offence of either wrongful confinement, voluntary causing hurt, criminal trespass, etc and the cognizance order appears to have passed in conformity with the material available on record collected during investigation.

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10. Under the facts and circumstances, the Court does not find any irregularity or incorrectness in the order impugned, hence under the circumstances, the criminal revision application filed by the petitioner stands **dismissed**.

(Dictated)

(Ajay Kumar Sharma)
Sessions Judge, Darbhanga.
16-06-2026.

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