

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-1st
East Champaran, Motihari.

Criminal Revision Case No.- 156 of 2021
(Arising out of Turkauliya P.S. Case No. 55/2018)

Anjani Kumar Singh S/o- Late Sampatti Kumar Singh, aged about 61 years, resident of Vill.-Pipra Ward No. 10, P.S.-Banjaria, Dist-East Champaran. **Revisionist.**

Versus

The State of Bihar. **Opposite Party.**

Learned Counsel for the Revisionist.....Sri Ramashankar Kumar, Advocate
Learned Counsel for the State.....Sri Ishwar Chandra Dubey A.P.P.

Date of Order: The 3rd Day of June, 2026.

Present: Sri Surendra Prasad,
District & Addl. Sessions Judge-1,
East Champran, Motihari.

O R D E R

1. The present Criminal Revision has been preferred by the revisionists for setting aside the impugned order dated 11.11.2020, passed by learned C.J.M., Motihari, East Champaran passed in Tukauliya PS Case No. 55 of 2018, whereby the learned Court took cognizance for the offences punishable u/s 341, 323, 427, 379, 504, 353, 506, 385 and 387 read with 34 of IPC.

2. The case of the informant Gopal Prasad who happens to be Principal of Karpuri Thakur Inter College, Singhia Hivan in brief is that some of the teachers were on a strike since last 3 months for their

salary. It has been alleged that on 29.01.2018 at about 3 PM the accused Safirul Hoda Hadi Urdu faculty and this revisionist Anjani Kumar Singh, mathematics Department along with some other persons arrived in the chamber of the informant and obstructed the informant from doing his administrative work and placed some demands orally on which the informant told that the same is pending before the management committee and he will place the same before the management committee upon which both the accused persons became angry and started abusing and threatening him and also tore some papers and documents and is scattered them. The accused also put their lock in the examination department and also took away some papers. He has also alleged that the accused persons also demanded 5 lakhs rupees as extortion and threatened that if the same is not paid to them then they would not allow him to do the teaching and administrative work of the college. The petitioner also threatened to kill him.

3. On the basis of written petition of informant Turkauliya(Banjariya) PS Case No. 55 of 2018 dated 30.01.2018 u/s 341, 323, 427, 379, 504, 353, 506, 385 and 387 read with 34 of IPC. was registered against this revisionists and Safirul Hoda Hadi. The police investigated the case and after conclusion of the investigation submitted final form no. 101/2019 dated 04.08.2019 against the revisionists Anjani Kumar Singh and Safirul Hoda finding the case as not true but the learned CJM Motihari has taken cognizance in the case u/s 341, 323, 427, 379, 504, 353, 506, 385 and 387 read with 34 of IPC against the revisionists.

4. The revisionist has challenged the impugned order on the ground that the impugned order dt. 11-11-2020 passed by Ld. CJM, Motihari

is totally based on conjecture and surmises. The fact is that informant is himself a person of forged conduct and character he has wrongly occupied the post of principal of the said college and defalcated huge money of the college and he was removed from the said post and at that time a new committee was formed in the college and petitioner was appointed as principal of the said college but on the strength of his wealth power and with the blessing of his political mentor he again succeeded to sit on the throne of the very post of principal, he does his work as a monarch not an administrator and when the college professor made demand of their salary then he gave them threatening which caused annoyance to them so they went on strike for their three months salary, which caused annoyance to the informant and he continuously gave threatening to call off the strike but when the strike was not called off then the informant with this notion that it was petitioner who provoked the teacher and non-teaching staff and supporting the strike has brought this false and fabricated case and implicated the petitioner by giving the name of this petitioner in this along with others and by using his power and position informant also succeeded in lodging this false case. The petitioner has also lodged a case against the informant of this case vide Turkauliya P.S. No. 64 of 2019 u/s 147, 323, 354, 427, 353, 504, 506 IPC. It is obvious that one proper investigating agency i.e., police who is said to be eye and ear of our judicial system has found this case palpably false. Ld CJM, Motihari has passed the order in arbitrarily and mechanical manner which she ought not have done. The petitioner is an old and ailing person he is suffering from sleep apnea (Respiratory Disease) in which C-PAP Machine has been prescribed for continuous flow of oxygen, he is also patient of diabetes and hyper tension, he has retired from his job on 31.07.2020 and he is a sick person, so in this era of COVID-19 he is totally bed ridden and confined in his room as he is suffering from

respiratory disease and in this situation if he is affected from corona the same will be fatal for him. The informant is habituated to lodge false cases by using his power and position and in due course he has not only lodged this case but also lodged Banjaria PS Case No. 72 of 2018 against the petitioner but these both cases were found to be false during investigation. Informant has also filed Turakuliya/Banjariya PS Case No. 441 of 2020 against the petitioner in which he is on bail by Hon'ble Court, apart from these cases informant after influencing the then DEO also succeeded in lodging Turkauliya/Banjariya PS Case No. 323 of 2019 by the name of the then DEO namely Prabhat Kumar Pankaj in which Hon'ble Court has also granted anticipatory bail having Cri. Misc. No. 77147/2019 by the Hon'ble court, besides those cases no any other case exist against the name of the petitioner. The Ld. CJM Motihari has also taken cog u/s 323, 379, 385 and 387 IPC but from the FIR and evidences cited in CD, no case of assault, theft or putting a person in fear of grievous hurt or murder to make extortion and no one uttered any abusive words to the informant and the said Karpuri Thakur Inter College, Singhia Hiban, Motihari is not Govt. College rather it is only affiliated college and its principal, Teacher and other teaching and non-Teaching Staff are appointed as per the choice of college administration. Its teacher will not come under the purview of public servant. Petitioner is filling a copy of letter no. BSEB(SS)/Coll-Estab/1034D-2021 dt. 02.08.2021 which was procured under RTI from BSEB Patna to show the said matter but still cognizance is taken u/s cog 323, 379, 385 and 387 IPC which is also not proper, lawful and justified. The Ld. CJM, Motihari has also taken cog u/s 323, 379, 385 and 387 IPC but from the FIR and evidences cited in CD, no use of assault, theft or putting a person in fear of grievous hurt or murder to make extortion and no one uttered any abusive words to the informant but still cognizance is taken cog u/s 323, 379, 385 and

387 IPC cog u/s 323, 379, 385 and 387 IPC which is also not proper, lawful and justified. The Ld CJM, Motihari has also not appreciated that this case is an outcome of professional rivalry and college dispute. The Ld CJM, Motihari has not applied at least judicial mind and without considering the matter judiciously or even as a person of general prudence he has passed the impugned order dt. 11-11-2020 which is totally illegal and bad in the eye of law. The very manner through which Ld. CJM, Motihari has conducted the inquiry and passed impugned order dt. 11-11-2020 shows that Ld. CJM, Motihari has already made up his mind to take cognizance in this case without applying and considering his judicious mind. The Ld. CJM, Motihari has passed impugned order dt. 11-11-2020 as a daily routine work in a mechanical manner which he ought not to have done. The Impugned order dt. 11-11-2020 suffers from illegality, impropriety, irregularity and incorrectness so it requires interference of this Ld. Court. Any view of the matter impugned order dt. 11-11-2020 is not sustainable and tenable in the eye of law and it is fit to be set aside. In the end a prayer has been made set aside the impugned order.

5. The learned Addl. P.P. on the other hand submitted that there is no illegality or impropriety in the impugned order and the impugned order is correct, legal and valid and does not require any interference by this court.

6. Now, the only point arises for consideration is as to whether the impugned order passed by the learned court below on 11.11.2020 is legal and valid or not ?

7. Heard both sides and perused the record of trial number 865 of 2021 arising out of Turkauliya(Banjariya) PS Case No. 55 of 2018.

From perusal of the record, it transpired that On the basis of written petition of informant Turkauliya(Banjariya) PS Case No. 55 of 2018 dated 30.01.2018 u/s 341, 323, 427, 379, 504, 353, 506, 385 and 387 read with 34 of IPC. was registered against this revisionists and Safirul Hoda Hadi. The police investigated the case and after conclusion of the investigation submitted final form no. 101/2019 dated 04.08.2019 against the revisionists Anjani Kumar Singh and Safirul Hoda finding the case as not true but the learned CJM Motihari has taken cognizance in the case u/s 341, 323, 427, 379, 504, 353, 506, 385 and 387 read with 34 of IPC against the revisionist for which this Criminal Revision has been brought.

8. From the perusal of the record and the case diary it appears that the informant and the witnesses have supported the case of the prosecution which has been mentioned in are 8, 9, 10 of the case diary. In my considered view also the learned Chief judicial magistrate has passed the order in a right manner.

9. Considering the aforesaid facts and circumstances of the case and the evidence available on record, I find that the learned court below has passed the impugned order in a right manner which is legal and valid and does not require any interference by this court. Accordingly, this Criminal Revision is hereby dismissed. O.C. is directed to send a copy of this order along with Lower Court Record to the learned court below.

Written & corrected by me,

(Surendra Prasad),
District & Addl. Sessions Judge-1st
Date: 03.06.2026