

BRKH010020012025



Presented on : 17-03-2025  
Registered on : 17-03-2025  
Decided on : 08-05-2026  
Duration : 1 year, 1 month, 22 days

**IN THE COURT OF SESSIONS JUDGE  
At Khagaria, (Bihar)  
(Presided Over by Shri Rajesh Kumar Bachchan)**

**Criminal Revision No. 10/2025**

In the matter of:

1. Sanjay Singh
2. Raj Kishor Singh
3. Randhir Singh

All S/o- Late Brahmdev Singh

All R/o- village- Sikendrapur,

P.S.- Beldaur, District- Khagaria

.....Revisionists/Petitioners.

**VERSUS**

1. State of Bihar
2. Ashutosh Kumar
3. Raj Kumar Mishra
4. Munna Kumar Mishra
5. Sudhanshu Shekhar Mishra
6. Rakesh Ranjan Mishra

.....Opposite First Party.

Criminal Revision No.10/2025  
Sanjay Singh & Ors. v. State of Bihar and Ors.  
Order dated: 08.05.2026

7. Vinay Kumar Mishra  
All S/o- Late Dinesh Prasad Mishra  
Opposite Party Nos.2 to 7 all are R/o- village- Fulwariya,  
P.S.- Beldaur, District- Khagaria.  
.....Opposite Second Party

**ORDER**

1. The instant revision petition has been filed under Sections 438 & 440 of B.N.S.S.(397 and 399 of Cr.P.C.) assailing the order dated 08.02.2025 rendered by the ld. S.D.M., Gogari (hereinafter referred as 'Ld. S.D.M.') in the Misc. Case No.2047(M)/2024 whereby the Ld. SDM has initiated proceeding u/S. 126 of BNSS and directed the both parties to submit measurement of the lands possessed by them by Anchal Amin.

**FACTUAL MATRIX**

2. For clarity, a brief exposit of facts is necessary. Ld. SDM vide order dated 30.12.2024 on the basis of police report has issued show cause notice to both sides to submit response why not they should be directed to furnish bonds to maintain public peace and tranquility for period of one year. After appearance of the parties vide impugned order dated 08.02.2025 the Ld. SDM directed both parties as aforesaid.

**ARGUMENTS**

3. Ld. Counsel for revisionists has submitted that the impugned order dated 08.02.2025 is bad in law and on facts. The conduct and nature of the opposite first party is not fair. The petition of opposite second party is not maintainable because he did not demand the measurement of land in his petition. It does not show the apprehension of the breach of peace or disturbance of the public tranquility or to do any wrongful act at the hand of the revisionists. None of the parties has filed show cause in Misc. Case No. 2047(M)/25 before the Ld. SDM Gogari. The Sub-Divisional Magistrate does not have the power to pass an order for the measurement of land in proceedings u/S 126 of BNSS.
4. Ld. P.P. for state and Ld. Counsel for O.P. Nos. 2 to 7 have submitted that the impugned order is just and proper and revision petition is liable to be dismissed
5. Heard. Ld. Counsel for Revisionists/petitioners and Ld. .P.P. for state and perused the revision petition and the LCR.

**POINT FOR DETERMINATION**

6. Now, the only point to be for considered by this Court is that whether there is any infirmity in the legality, propriety and correctness of the impugned order.

**DISCUSSION, DECISION AND REASONS THEREOF**

7. The proceeding u/S. 126 of BNSS has originated from the non F.I.R. No. 351/2024 dated 05.08.2024 submitted by SHO P.S. Beldaur SDM, Gogari relating a land dispute between the parties. First party has claimed he has purchased 5 katthas of land in Bobil mauza whereas the second party has contended that he has purchased 2 kattha 6 dhoors land in the same khesra. Ld. SDM has noticed that the dispute is related with the measurement of the land.
8. As per Section 126 of BNSS if the Executive Magistrate/SDM herein is satisfied that there is a potential breach of peace or disturbance to public tranquility is about to occur he can proceed in passing necessary order. He gives fair hearing to both parties and opportunity to present their case before him.
9. There is no legal taboo emanating from the aforesaid section that the SDM cannot direct the measurement of land if that is necessary to determine the actual possession and to prevent the breach of peace. It appears that Ld. SDM has resorted this step to ascertain the factual position of the ground. Direction of Ld. SDM is valid where there is risk of breach of peace The order of measurement of the disputed land is intended to know about the truthfulness of the claims of the parties.

10. After going through the record and hearing submissions of the parties present, this Court arrives at the conclusion that the impugned order dated 08.02.2025 is just and proper and there is no infirmity in the same.
11. In view of aforesaid facts and circumstances, the aforesaid revision petition i.e. Criminal Revision No. 10/2025 is dismissed. LCR be sent back to the Ld. SDM with a copy of this order.

Dictated



(Rajesh Kumar Bachchan)  
Sessions Judge,  
Khagaria.  
Dated: 08.05.2026