

CRIMINAL REVISION

**In the Court of District and Additional Sessions Judge-III, Jhanjharpur
District: Madhubani**

**Present : ANIL KUMAR RAM
DASJ-III, Jhanjharpur**

Dated, Jhanjharpur, the 09nd June, 2026

**[Cri. Revision No. - 86/2025]
arising out of GR Case No. 903/2021**

1. Birendra Yadav, aged about 46 years, S/o Rameshwar Yadav,
R/o Vill- Koriyadhant, PS- Bheja, District-Madhubani

-----**Petitioner/ Revisionist**

Vs.

1. State of Bihar.....**O.P 1st party**

2. Dinesh Yadav, S/o Late Kapleshwar Yadav

3. Pramod Yadav, S/o Kamal Yadav

4. Chandan Yadav, S/o Bal Kishor Yadav

5. Ranjeet Yadav, S/o Shyam Yadav

6. Sikandar Yadav, S/o-Cheedi Yadav

7. Bal Kishor Yadav, S/o-Late Basudev Yadav

8. Chandra Kishor Yadav, S/o Late Basudev Yadav

9. Jay Kishor Yadav, S/o Late Basudev Yadav

10. Praveen Chandra Saraswati @ Lal Yadav, S/o Bhuvneshwar Yadav
@ Bhumi Yadav

11. Kamal Yadav, S/o Late Sahdev Yadav

12. Rahul Yadav, S/o Suresh Yadav

All R/o Village-Koriyadhant, PS- Bheja, District-Madhubani

..... **O.P 2nd Party**

Ld. Lawyer for State : Sri Deo Shankar Jha, Ld. A.P.P.

Ld. Lawyer for Revisionist/petitioner : Sri Balram Sahu, Ld. Advocate

Ld. Lawyer for Opposite 2nd Party : Sri Parshuram Mishra, Ld. Advocate

ORDER

1. The learned counsel for both parties are present.
2. Being aggrieved and dissatisfied with the impugned cognizance order dated 07.12.2024 passed in GR No. 903/2021 whereby and where under cognizance has not been taken against the petitioners mentioned in O.P. second party mentioned in para-12 of chargesheet under Section 147, 148, 149, 341, 323, 324, 307, 302, 504, 506, 120(B) of IPC and u/s 25(1-b)a, 26, 35 Arms Act by A.C.J.M-II, Jhanjharpur, without considering and appreciating the fact and has prayed to pass proper order.
3. From the order sheet, it appears that this revision has been admitted on 25.07.2025.
4. Heard Ld. Counsel for the Petitioner/Revisionist and Ld. Addl.P.P for the State .
5. The learned counsel for the revisionist has preferred revision on the following grounds:-

GROUND

- (i) For that the order dt. 07.12.2024 is improper, irregular, erroneous in eye of law as well as on facts and not acceptable.
- (ii) For that the Ld. Court below has not gone through the records as well as the statements of witnesses mentioned in the case diary.
- (iii) For that the cognizance order of the Ld. Court below is bad in law as well as in facts.
- (iv) For that the Ld. Court below has passed the order without considering the facts of the case.
- (v) For that the Ld. Court below has not summoned to petitioner at the time of cognizance.
- (vi) For that Ld. Court below has not gone through statement of witnesses who have stated about the complicity of the accused named in F.I.R.
- (vii) For that in the case diary in para-11 restatement of informant, Birendra Yadav, in para-12 statement of Mangal Yadav, in para-13 statement of Rameshwar Yadav in para-14 statement of Agin Yadav, in para-15 statement of Muneshwar Yadav, in

para-17 statement of Sunil Yadav, in para-18 statement of Dharendra Yadav, have recorded U/s 161 of Cr.P.C. who have fully supported the prosecution case.

- (viii) For that the police officer on the basis of evidentiary materials on record had prayed to the Ld. Court to issue NBW, process u/s 82 and 83 of Cr.P.C. and same have been issued by the Ld. Court below which are mentioned in C.D. para-47, 55 in para-8, in para-12, 18, 32 of supplementary C.D. and in para-5 of Supplementary C.D.-2.

6. The Ld. Counsel for that OP has filed rejoinder to the above petition which are as follows-

- (i) That at Bheja Police Station, FIR No. 47/2021 dated 31.05.2021 was registered against the named accused persons and 10-15 other unknown persons.
- (ii) That during the course of investigation, Charge Sheet No. 51/21 dated 13.09.2021 was submitted before the Court against the accused persons in the above case against (1) Shashi Roshan Yadav, (2) Viren Yadav @ Virendra Yadav.
- (iii) That a second Charge Sheet No. 09/2021 dated 07.03.2022 was submitted before the Court in the above case against the accused persons (1) Naresh Yadav (2) Yogindra Yadav and (3) Bhumi Yadav.
- (iv) That on the basis of the above two charge sheets, cognizance against the aforesaid five accused persons was taken by the competent court on 26.08.2022. Thereafter, the case against the said five accused persons was pending before the Court of the Add. Sessions Judge-I, Jhanjharpur and subsequently, the case was transferred to the Hon'ble Court and is presently pending before this Court.
- (v) That in the Sessions Trial No. 272/2023, the prosecution filed an application under Section 193 Cr.P.C. on 04.07.2023, praying that cognizance be taken against the accused. The said application was pressed by the informant's advocate on 22.09.2023, as a result of which the aforesaid application filed on behalf of the informant was dismissed.
- (vi) That the third charge-sheet No. 156/2024 dated 25.09.2024 was submitted before the Court against the accused persons in the above case, namely Dilip Yadav, Suresh Yadav, Ramesh Yadav, Mahesh Yadav, Devan Yadav, Baiku Yadav, Kusheshwar Yadav, absconding accused Dhan Yadav. On the basis of the said charge-sheet, the learned Court took prima facie cognizance against the accused persons.
- (vii) That the Second Supplementary Sessions Trial No. 404/2024 was pending before the Court of the Additional District and Sessions Judge-I for framing of charges against the aforesaid eight accused persons.

(viii) That the accused persons in the said sessions trial were granted the benefit of bail by the Hon'ble High Court, Patna, subject to the condition that after framing of charges. The Court had directed that a bail bond be filed on behalf of the accused, Ghuran Yadav alias Shomakant Yadav.

(ix) That the accused, Ghuran Yadav alias Shomakant Yadav, was lodged in Jhanjharpur Jail, and Sessions Trial No. 404/2024 was pending for the framing of charges. In the said sessions trial, the informant again filed an application under Section 193 CrPC against the accused on 08.01.2025. A reply to that application was filed on behalf of the accused persons. After hearing the parties, the application filed by the informant was dismissed by the Court of the Additional District & Sessions Judge-I, Jhanjharpur on 30.04.2025.

(A copy of the said dismissal order has been filed along with this application as Annexure-1.)

(x) That due to the application filed by the informant under Section 193 CrPC, the accused Ghuran Yadav alias Shomakant Yadav had to remain in jail for a long period.

(xi) That in the original Sessions Trial No. 272/2023, evidence against all five accused persons is still pending before this Hon'ble Court.

(xii) That in the supplementary charge sheet No. 404/2024 pending before the Hon'ble Court, evidence is pending against a total of 08 accused persons.

(xiii) That in the not sent-up of the above case, the names of the accused are Dinesh Yadav, Pramod Yadav, Chandan Yadav, Ranjit Yadav, Sikandar Yadav, Vasudev Yadav (deceased), Bal Kishore Yadav, Chandra Kishore Yadav, Jai Kishore Yadav, Praveen Chandra Saraswati alias Lal Yadav, Kamal Yadav, Rahul Yadav.

(xiv) That the petitioner, Praveen Chandra Saraswati alias Lal Yadav, was employed at the Upgraded Middle School, Atihar (Girls), Darbhanga Sadar. The details are recorded in Circle Officer, Darbhanga Letter No. 723 dated 07.05.2021, which are fully described in Supplementary Case Diary Nos. 65 and 66.

(xv) That accused Chandan Yadav was outside the village on the date of the incident and is presently employed with the Indian Railways.

(xvi) That in the note sent-up of the FIR, there is no allegation of any kind against the accused. Furthermore, in the subsequent statement of the informant Virendra Yadav, no allegation of any kind has been made against the not sent-up accused persons.

(xvii) That in the main case diary, paragraphs 11 to 15 and paragraphs 17 and 18 relate to the family members of the informant. These persons also, in their statements recorded under Section 161 CrPC, have not made any allegation of any kind

against the named accused. All these witnesses are family and close relatives of the informant.

- (xviii) That on page no. 8 of the supplementary case diary, independent witness Indu Devi, in her statement recorded under Section 161 CrPC, has not mentioned the name of any named accused and has stated that she is being implicated due to political reasons.
- (xix) That in the supplementary case diary: Paragraph 47: witness Sitaram Sah, Paragraph 48: Rajendra Mandal, Paragraph 52: Lalita Devi, Paragraph 55: Satyendra Yadav, Paragraph 54: Rajendra Yadav. All of the above are independent witnesses. In their respective statements, they have not said anything regarding the named accused and have stated that there is an attempt to falsely implicate them.
- (xx) That on page no. 10 of the supplementary case diary: Paragraph 62: 1. Sagar Kumar Jha, Paragraph 63: 2. Hitendra Mishra, Paragraph 64: 3. Ramnandan Prasad, Paragraphs 65–66: 4. Pushpa Bharti and on page no. 12 of the case diary: Paragraph 74: witness 5. Ramchandra Yadav, Paragraph 75: 6. Ram Avatar Yadav, Paragraph 76: 7. Ram Kishore Yadav, Para-80: 8. Jagdev Yadav, Para-81: 9. Surendra Yadav, Para-82: 10. Upendra Yadav, Supplementary Page No. 14, Para-90: 11. Ram Kumar Yadav, Para-91: 12. Shivji Yadav, Para-92: 13. Ram Sundar Yadav, Para-96: 14. Shivan Yadav, Para-97: 15. Ravindra Yadav, Para-98: 16. Mamta Devi, Para-99: 16. Ram Avatar. 16. Ram Avatar, in his statement under Section 161 CrPC, did not support any allegation regarding the “Not Sent-Up Accused” and described the said incident as false.
- (xxi) It is stated that in Supplementary Case Diary–1, Page No. 17: Para-113: Independent witness Renu Devi, Para-114: Independent witness 1. Dev Narayan Yadav, Para-115: 2. Chheddi Yadav, Para-116: 3. Jai Prakash Yadav, Para-117: 4. Mahesh Yadav, gave statements under Section 161 CrPC in which they stated that the “Not Sent-Up Accused” had been falsely implicated.
- (xxii) It is stated that in Supplementary Case Diary–2, Page No. 7: Para-27: 1. Umesh Kumar Karn, Para-28: 2. Mahakal Yadav, Para-29: 3. Dev Narayan Yadav, Para-30: 4. Sarpanch Ram Krishna Kumar, Para-31: 5. Upendra Yadav, Para-32: 6. Rajiv Ranjan Yadav, Para-39: 7. Dr. Manoj Kumar Choudhary. In Case Diary Paragraph 76, Sunil Kumar Yadav; in Paragraph 77, Surendra Yadav; and in Paragraph 78, Jitendra Yadav are stated to be family members of the informant. Their statements recorded before the police are contradictory and they have not made any clear statement against the named accused.
- (xxiii) That in Volume-2 of the Case Diary, Paragraph 175, under the supervision of the Sub-Divisional Police Officer, Jhanjharpur, it has been found that the named accused has been implicated. After examining the named accused, directions were is-

sued to the Investigating Officer, and in compliance with those directions, the final charge-sheet was submitted.

- (xxiv) That the co-accused in the above case has been discharged by the learned trial court, whereas cognizance has been taken against the present accused through the charge-sheet and the matter is pending before the Hon'ble Court for framing of charges.
- (xxv) That the order taking cognizance passed by the learned trial court is neither correct nor justified.
- (xxvi) That upon perusal of the FIR and all three case diaries, there is no evidence of any kind against the petitioner, i.e., the named accused.
- (xxvii) That the present Criminal Revision filed by the informant has been instituted only with the intention of prolonging the proceedings.
- (xxviii) It is noted that no material evidence of any kind has been found against the accused.
- (xxix) It is noted that all the accused persons are innocent and they have been falsely implicated in this case due to election-related disputes, dirty politics, and personal enmity.
- (xxx) It is just and proper, in the interest of justice, to uphold the recommendation/order of the lower court.
- (xxxi) Therefore, the criminal revision filed by the informant (complainant) deserves to be dismissed in its entirety.

7. Perused the case record, including the impugned order dated 07.12.2024 and other materials available on record and found that Ld. Trial court of A.C.J.M-II, Jhanjharpur has taken cognizance against the accused 1. Dlip Yadav 2. Suresh Yadav 3. Ramesh Yadav 4. Mahesh Yadav 5. Devan Yadav 6. Shyam Yadav 7. Kusheshwar Yadav and 8. Ghuran Yadav on the basis of supplementary charge sheet No. 156/2024 dated 22.09.2024 and Supplementary CD and have not taken cognizance against Dinesh Yadav, Pramod Yadav, Chandan Yadav, Ranjeet Yadav, Sikandar Yadav, Chandrakishore Yadav, Jai Kishore yadav Praveen Candra, Kamal Yadav, Rahul Yadav, Balkishore Yadav and Basudev Yadav on the ground that police have not sent up them for trial . At this stage court has to see only prima facie case against the accused persons and there should not be any meticulous examination of evidence. The Ld. Counsel for the petitioner/revisionist has not pointed out any illegality in the impugned order. Hence this court is of the view that impugned order has been rightly passed by the learned trial court and there is no need of interference by this court.

ORDER

8. Accordingly, this court does not find illegality, irregularity, incorrectness or impropriety in the impugned order dated 07.12.2024 passed by ACJM-II, Jhanjharpur, in GR case No. 903/2021 and hence impugned cognizance order is upheld. In the result, this criminal revision petition is hereby **dismissed**. Office is directed to attach copy of this order in ST 404/2024 and consign the case record of Criminal Revision in record room.

Dictated

(ANIL KUMAR RAM)
DASJ-III, Jhanjharpur
Date-09.06.2026