

District- Madhepura.

In the Court of the Principal District & Sessions Judge, Madhepura.

Present: Balram Dubey,
Sessions Judge, Madhepura.

Dated, Madhepura, the 30th day of March, 2026.

Ref:- Criminal Revision No. 33/2023

(Against the Order dated 09.02.2022 passed by Learned S.D.J.M., Uda-Kishunganj in connection with Chausa P.S. Case No. 255/2018 corresponding to G.R. No. 1201/2018).

Md. Anwarul Haque & 02 others Revisionists.

V E R S U S

State of Bihar Opposite Party

For the Revisionists : - Sri Pankaj Kumar, Advocate (Amicus Curiae).
For the Opposite Party: - Sri Bibeka Kumar Singh, P.P.

J U D G M E N T

(1) This criminal revision application has been filed by the revisionists against the order dated 09.02.2022 passed by Learned S.D.J.M., Uda-Kishunganj in Chausa P.S. Case No. 255/2018 corresponding to G.R. No. 1201/2018 by which the Learned Lower court has taken cognizance u/s. 147, 341, 323, 448, 354, 379, 380, 54 & 506 of the I.P.C. against three accused persons namely Md. Anwarul Haque, Md. Ansar @ Naseem and Jashri Khatoon @ Jahri Khatoon who are the revisionists here.

(2) Prosecution case, in nut shell, is that on 11.10.2018 at about 06:00 A.M. the accused persons named in the F.I.R. and other accomplice entered into the house of the informant, abused, dragged her by catching her hair and dashed on the road due to which she became naked, thereafter Md. Afsar dragged her by catching her legs and Jehri khatoon assaulted her with slaps and snatched her silver chain weighing 06 bhars worth Rs. 2,500/-. Md. Ansar @ Nasim took away golden and silver ornaments worth Rs. 6,000/- and cash Rs. 20,000/-. Md. Anjar and Md. Boxer abused her daughter-in-law with ill behaviour and Md. Nasim snatched golden chain weighing 01 bhar worth Rs. 25,000/- from the neck of her daughter-in-law and Md. Boxer took away bicycle worth Rs. 3,800/- and when her husband, sons, brother-in-law and co-villagers came, the accused persons fled away with threatening that if any case is lodged, they will face dire consequences and they will be killed and their dead bodies will be disappeared.

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(3) On the basis of aforesaid written petition, an F.I.R. was registered under section 147, 341, 323, 448, 354, 379, 380, 504 & 506 of the I.P.C. and after investigation police submitted Charge sheet against the three accused persons who are revisionists here vide charge-sheet No. 187/2019 dated 03.12.2019 finding the case true u/s. 448, 341, 323, 354 A, 504 & 506/34 of the I.P.C. and did not take cognizance of the offences against the other accused persons against whom final form has been submitted showing the case not true against them. The Learned Magistrate vide order dated 09.02.2022 took cognizance of the offence punishable under section 147, 341, 323, 448, 354, 379, 380, 504 & 506 of the I.P.C. against all the three charge-sheeted accused persons/revisionists.

(4) Being aggrieved by and dissatisfied with the impugned order dated 09.02.2022 passed by the Learned Magistrate, the instant criminal revision has been preferred, more or less, on the ground that Learned Magistrate has passed the order without going through the case record and case diary properly but in a routine manner.

(5) Heard the Learned Counsel for the revisionists appearing as Amicus Curiae and as well as the Learned Public Prosecutor for the State and considered the materials available on record.

(6) The petitioners/revisionists has filed this criminal revision application mentioning therein that the impugned order passed by the Learned Lower Court is quite illegal, improper and incorrect as the Learned Lower Court has not considered that there is no material available on record against the revisionists for taking cognizance u/s. 354 & 379 of the I.P.C. against them. Accordingly, no case u/s. 354 & 379 of the I.P.C. is made out against them. As such the impugned order is not sustainable under law and the same is fit to be set aside.

(7) Sri Bibeka Kumar Singh, Learned P.P. appearing on behalf of the Opposite party, the State of Bihar has submitted that the impugned order has been passed on the basis of materials available on the Lower Court's case record and the same is just and proper which does not require any interference by this Court.

(8) Heard and perused the entire case record as well as the impugned order. It appears that Chausa police registered a case bearing Chausa P.S. Case No. 255/2018 u/s. 147, 341, 323, 448, 354, 379, 380, 504 & 506 of the I.P.C. and after investigation police submitted charge-sheet bearing No. 187/2019 finding the case true u/s. 448, 341, 323, 354 A, 504 & 506/34 of the I.P.C. against three accused persons namely (1) Md. Anwarul Haque, (2) Md. Ansar @ Naseem and (3) Jahri Khatoon @ Jashri Khatoon. It further appears that by the impugned order the learned Lower Court has found prima facie case 147, 341, 323, 448, 354, 379, 380, 504 & 506 of the I.P.C. against all the three charge-sheeted accused persons namely Md. Anwarul

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Haque, Md. Ansar @ Naseem and Jashri Khatoon and ordered to issue process against them u/s. 204 of the Cr.P.C. and did not take cognizance of the offences against the other accused persons against whom final form has been submitted showing the case not true against them on the basis of materials available in the case diary as well as on the case record. It is settled principle of law that for issuance of process against the accused it has to be only seen whether prima facie case has been made out, the Magistrate is not required to go deep into the probative value of the material on record. At this stage, the Court is required only to find out whether there is sufficient ground to proceed against the accused or not. The Court is not required to determine adequacy of the evidence of probability of the accused being guilty. The Magistrate under the law at this stage is not permitted to embark upon meticulous examination of the evidence or material. Hence, the Learned Magistrate has passed an order for issuance of process u/s. 204 Cr.P.C., finding the prima facie case against all the three charge-sheeted accused persons/revisionists namely Md. Anwarul Haque, Md. Ansar @ Naseem and Jashri Khatoon. Accordingly, in my opinion there is no illegality, irregularity or impropriety in the impugned order and there is no need to interfere in the said order.

(9) It is, therefore,

ORDERED

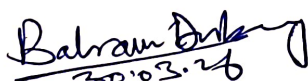
that the instant criminal revision application stands **dismissed** at the stage of admission itself.

A copy of this order along with the Lower Court's case record be sent to the concerned Learned Lower Court immediately.

The prescribed fee of Learned Amicus Curiae be paid to him by the District Legal Services Authority, Madhepura and for the said purpose, a copy of first and last page of this judgment be sent to the Secretary, District Legal Services Authority, Madhepura.

The file of this revision be deposited to the D.R.R., Madhepura after necessary compliance, if any.

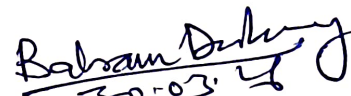
Dictated & Corrected by me:



(Balram Dubey)
Sessions Judge,
Madhepura.

Madhepura, dated the 30th
day of March, 2026





(Balram Dubey)
Sessions Judge,
Madhepura.

Madhepura, dated the 30th
day of March, 2026