

CRIMINAL REVISION No. 157 of 2025

Present : **Sushant Kumar,**
 Sessions Judge, Nalanda.
 Biharsharif.

Biharsharif, dated the 20th day of June, 2026.

1. Dinesh Mahto, S/o Lagan Mahto,
2. Babloo Kumar,
3. Subodh Mahto @ Subodh Kumar,
4. Dabloo Mahto, sons of Dinesh Mahto

All R/o village- Purani Isua, P.S.- Sarmera, District- Nalanda.

.....**Petitioners/ Revisionists.**

Versus

1. The State of Bihar,
2. Bipin Kumar, S/o Ram Prakash Mahto,

R/o village- Purani Isua, P.S.- Sarmera, District- Nalanda.

..... **Opposite Parties.**

Counsels:-

On behalf of Revisionists : Mr. Manoj Kumar, Advocate.

On behalf of O.P. (State) : Additional Public prosecutor.

O R D E R

The present revision petition has been filed on behalf of revisionists against the order dated 05.06.2025 passed by the learned S.D.M., Biharsharif, Nalanda in case No. 961(M)/2025 under Sec. 126 of B.N.S.S. whereby the proceeding under Sec. 126 of B.N.S.S. has been initiated by the learned S.D.M. on police report (Non-FIR No. 57/2025) wherein it is stated that on account of registration of police case bearing Sarmera P.S. case No. 121/2025 dated 20.05.2025, tension has been prevailing between both the parties, requiring initiation of proceeding u/S 126 of the B.N.S.S. against the members of the second party (revisionists herein). Vide the impugned order, members of second party were ordered to file show cause as to why they should not be ordered to execute bond of Rs. 1,00,000/- with two sureties of the like amount each to maintain peace for one year. Hence, the revisionists are the aggrieved by the impugned order and preferred this revision petition.

On repeated calls no one turned up on behalf of revisionists. The learned Addl. P.P. on behalf of State is present. Heard.

P.T.O.

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Earlier, the revisionists were directed to file requisite for issuance of notice but the said order has not been complied by the revisionists.

The present revision has been filed mainly on the grounds that the impugned order is bad and unsustainable in the eye of law and the proceeding started u/S 126 of the B.N.S.S. is uncalled for as there is no allegation of any additional overt-act against the revisionists giving apprehension of breach of public peace. There is no compliance of section 130 and 133 of the B.N.S.S.. It has further been submitted that in spite of institution of substantive police case bearing Sarmera P.S. case No. 121/2025, the proceeding under Sec. 126 B.N.S.S. has been initiated by the learned S.D.M. for the same occurrence which is uncalled for and bad in eye of law. Hence, he is seeking setting aside of the impugned order and proceeding initiated u/S 126 B.N.S.S..

However, the learned Addl. P.P. on behalf of the state supported the impugned order.

From the impugned order it appears that the Ld. SDM after being satisfied with the Non FIR report of the SHO of Sarmera P.S. recommending action u/S 126 of the B.N.S.S., has passed the impugned order. The Ld. Magistrate has acted within his jurisdiction and the impugned order is well discussed.

In view of the facts and circumstances of the case, this court does not find any illegality and jurisdiction error in the impugned order dated 05.06.2025 passed in Case No. 961(M)/2025 passed by the learned S.D.M., Biharsharif, Nalanda. Accordingly, the present Cr. Revision is hereby **dismissed.**

Let a copy of this order be sent to the learned S.D.M., Biharsharif, Nalanda for information and needful.

(Dictated & Corrected)

Sd.....

(Sushant Kumar)

Sessions Judge, Nalanda,
Biharsharif.