



BRPA010075742025

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Revision No. 251 of 2025

1. Richa Jha, W/o Kunal Jha @ Gunjan
2. Kunal Jha, S/o Late Devendra Kumar Jha
R/o: SRT Quarter, Near Mahindra Pride School,
Rajendra Nagar, Road No. 12, P.S.- Kadamkuan,
District- Patna

..... Petitioners

Versus,

1. The State of Bihar
2. Sudha Jaiswal, W/o Nirranjan Kumar
R/o: Mohalla- Khajanchi Road, Lane No. 1,
P.S. - Pirbahore, District- Patna.

..... Opposite Parties.

Counsel for the Petitioners	:- Sri Satyam Kumar Jha, Advocate
Counsel for the State	:- Sri Rajesh Kumar P.P.
Counsel for Complainant	:- Sri Bijay Bhanu, Advocate.

ORDER

02.05.2026

1. The present criminal revision has been filed on behalf of the petitioners, who are accused in Complaint Case No. 1911(C)/2019, assailing the order dated 07.03.2025 passed by the learned ACJM-IX, Patna, whereby the petitioners' application under Section 317 Cr.P.C. was rejected, their bail bonds were cancelled, and non-bailable warrants were directed to be issued against them.
2. Heard learned counsel for the petitioners, learned counsel for O.P. No. 2/complainant, and learned Public Prosecutor for the State. The materials on record, including the trial court record and the submissions advanced on behalf of the parties, have been perused.

SUBMISSION ON BEHALF OF PETITIONERS

3. Learned counsel for the petitioners (accused) contends that the impugned

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order is a composite order which simultaneously rejects the exemption petition under Section 317 Cr.P.C., cancels the bail bonds, and issues non-bailable warrants and therefore legally unsustainable. In order to buttress its argument the petitioners have relied on the decision of Hon'ble Patna High Court in *Sandeep Kumar Tekriwal v. State of Bihar*, 2009(2) PLJR 263.

4. It is argued that the impugned order materially affects the petitioners' liberty and cannot be treated as a mere interlocutory order. Reliance is placed on the judgment of *Amar Nath & Ors. v. State of Haryana & Ors.*, dated 29.07.1977, *Madhu Limaye v. State of Maharashtra*, by Hon'ble Supreme Court. Accordingly, the impugned order dated 07.03.2025 is liable to be set aside.

SUBMISSION ON BEHALF OF COMPLAINANT/O.P. 2

5. Learned counsel for complainant/O.P. 2 submits that the impugned order dated 07.03.2025 is in the nature of an interlocutory order, and therefore, the present criminal revision petition is not maintainable. In support of this contention, reliance is placed on the judgment of the Hon'ble Patna High Court in *Sharad Kumar Jha v. State of Bihar & Anr.*, delivered on 14.12.2023 in Criminal Revision No. 357/2019.

SUBMISSION ON BEHALF OF STATE

6. The learned counsel for the State has opposed the argument of the learned counsel for the petitioner and, prayed to dismiss this criminal revision application.

ANALYSIS

7. The first question which arises for consideration is whether the impugned order dated 07.03.2025 is an interlocutory order so as to bar the present revision under Section 397(2) Cr.P.C. The Hon'ble Supreme Court in *Amar Nath v. State of Haryana* held that the expression "interlocutory order" has been used in a restricted sense and means orders of a purely interim or temporary nature which do not decide or affect the important rights or liabilities of the parties. The Court further held that orders which substantially affect the rights of the accused, or which decide a serious

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question concerning those rights, are not interlocutory orders.

8. The same principle was reiterated in *Madhu Limaye v. State of Maharashtra*, where the Hon'ble Supreme Court clarified that between a purely final order and a purely interlocutory order, there exists a third category of intermediate orders, and such orders are not barred by Section 397(2) Cr.P.C. Applying these settled principles, the order dated 07.03.2025 cannot be regarded as an interlocutory order, since it does not merely regulate the procedure of the case but directly affects the petitioners' liberty by rejecting the exemption petition under Section 317 Cr.P.C., cancelling their bail bonds and directing issuance of non-bailable warrants.
9. The impugned order, being composite in nature, has immediate coercive consequences against the petitioners. It is not confined to an adjournment, summons, or other step in aid of the proceeding, but visits the petitioners with penal and coercive consequences. Such an order certainly affects substantial rights and, therefore, falls outside the mischief of Section 397(2) Cr.P.C.
10. The reliance placed by O.P. No. 2 on *Sharad Kumar Jha v. State of Bihar* is distinguishable. That judgment proceeds on the basis of *State of Gujarat v. Salimbhai Abdulgaffar Shaikh*, where the Hon'ble Supreme Court was examining the correctness of a certificate under Article 134(1)(c) of the Constitution and observed that an order passed on a bail application is not a judgment, final order, or sentence in a criminal proceeding of a High Court. The question there was not whether such an order is interlocutory within the meaning of Section 397(2) Cr.P.C. in the present factual setting. Hence, the ratio of *Sharad Kumar Jha (supra)* does not govern the present controversy.
11. On the other hand, the ratio of *Sandeep Kumar Tekriwal v. State of Bihar* squarely applies to the facts of the present case. In that case, the hon'ble Patna High Court dealt with a composite order rejecting an application under Section 317 Cr.P.C., cancelling the bail bond, and issuing non-bailable warrants, and held that such an order was not sustainable in law. The present

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impugned order is of the same nature and suffers from the same legal infirmity.

CONCLUSION

12. For the reasons recorded above, this Court holds that the order dated 07.03.2025 passed in Complaint Case No. 1911(C)/2019 is not an interlocutory order and, therefore, the present criminal revision is maintainable.
13. The impugned order dated 07.03.2025 passed by the learned ACJM-IX, Patna in Complaint Case No. 1911(C)/2019 is hereby set aside. Accordingly, Criminal Revision No. 251 of 2025 stands **allowed**.

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna

Date of Order	02.05.2026
Date of Reserving Order	20.04.2026
Uploading Date	02.05.2026
Uploaded by	Vinod/-