

IN THE COURT OF SESSIONS JUDGE, PATNA

Criminal Revision No. 481 of 2025

1. Ashok Yadav, S/o Late Faujdari Rai
2. Vijay Rai, S/o Late Faujdari Rai,
R/o :- North Mandiri before Puspanjali Apartment,
P.S.- Buddha Colony, District- Patna.

..... Petitioner

Versus

1. The State of Bihar
2. Siyaram Rai, S/o Late Mukund Rai
R/o:-Dujra Pahalwan Ghat, P.S.- Buddha Colony,
District- Patna

..... Opposite Parties.

Counsel for the Petitioners :-Sri Ravi Bhatiya, Advocate.

Counsel for the State :- Sri Vijay Kumar Sinha I/c P.P.

ORDER

25.07.2025

1. The present criminal revision application has been preferred by the petitioners, namely Ashok Yadav and Vijay Rai, assailing order dated 15.07.2025 passed in Case No. 801(M)/2025. The impugned order is based on a police report (Non-FIR No. 26/25 dated 28.03.2025), which indicates the likelihood of breach of peace and public order, owing to possession of a plot of land. In consequence, the Sub-Divisional Magistrate, Patna Sadar has issued notice to the petitioners under Section 126 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) [corresponding to Section 107 of the Criminal Procedure Code], directing them to appear before the Court of the Sub-Divisional Magistrate, Patna Sadar on 13.08.2025 and to show cause as to why they should not be required to execute a bond of ₹5,00,000 along with two sureties of like amount each.
2. Learned Counsel for the petitioners submits that the impugned order has been passed in a manifestly arbitrary manner. The first indication thereof is that the impugned order fails to mention the specific plot number of the land, possession of which, according to the notice, is purported to give rise to apprehension of breach of peace and public order.
3. It is further submitted that the plot in question is plot no. 713, and by judgment dated 03.01.2025 in Title Suit No. 402/2018 passed by the Court of the learned

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Civil Judge (Senior Division)-X, the petitioners have been declared to have absolute right, title, and interest in respect of the said plot of land. In view of the said adjudication, initiation of proceedings under Section 126 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), corresponding to Section 107 of the Criminal Procedure Code, is evidently illegal and untenable in law. To fortify this submission, reliance is placed upon the judgment of the Hon'ble Supreme Court in *Raj Kumari Devi v. The State of Bihar & Ors.*, reported in 2005 SCC Online Pat 1157 : (2006) 2 PLJR 193.

4. It is further pointed out that a prior proceeding under Section 144 Cr.P.C. was initiated before the Sub-Divisional Magistrate, Patna Sadar, in relation to the same plot of land, but the same was dropped vide order dated 07.05.2025, having regard to the judgment dated 03.01.2025 in Title Suit No. 402/2018 passed by the Court of the learned Civil Judge (Senior Division)-X. Accordingly, it is prayed that the present criminal revision application be admitted, the trial court records be summoned, and in the interim, the proceedings in Case No. 801(M)/2025 be stayed.
5. In view of the foregoing, this criminal revision application is **admitted** for hearing. **Issue notice to O.P-2.** Call for the record of Case No. 801(M)/2025 from the Court of learned SDM, Patna Sadar.
6. In the interim, operation of order dated 15.07.2025 passed in Case No.801(M)/2025 stands stayed until further orders.
7. Re- list on 23.08.2025.

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna.