

IN THE COURT OF SESSIONS JUDGE, PATNA
Criminal Revision No. 733 of 2025

1. Satendra Kumar Sharma, S/o Late Sant Prasad Sharma

2. Chandan Kumar, S/o Satendra Kumar Sharma,

3. Rahul Kumar, S/o Satendra Kumar Sharma

All R/o :-Dharampur, P.O.- Muhammadpur,

P.S.- Phulwarisharif, District- Patna

..... Petitioners

Versus

The State of Bihar

..... Opposite Parties

Counsel for the Petitioner :-Sri Jai Kumar, Advocate.

Counsel for the State :- Sri Rajesh Kumar, P.P.

ORDER

17.10.2025

1. The present criminal revision application has been filed on behalf of the petitioners —Satendra Kumar and his two sons, Chandan Kumar and Rahul Kumar— challenging the order dated 20.09.2025 passed by the learned Sub-Divisional Magistrate, Patna Sadar, in Miscellaneous Case No. 1104(M)/2025. By virtue of the said order, a show cause notice has been issued to the petitioners under Section 126 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), corresponding to Section 107 of the Criminal Procedure Code (Cr.P.C.), directing them to appear before the said authority on 18.10.2025 to explain why they should not be required to execute a bond of ₹5,00,000 (Five Lakh) each, along with two sureties of the same amount, for maintaining public peace and tranquillity.
2. Heard the leaned counsel for the petitioners and the learned Public Prosecutor for the State.
3. The learned counsel for the petitioners contends that the impugned order is legally unsustainable, as it amounts to a clear violation of Section 111 of the Criminal Procedure Code (Cr.P.C.), corresponding to Section 130 of the Bharatiya Nagarik Suraksha Sanhita (BNSS). It is submitted that the notice in question has been issued under Section 107 Cr.P.C., corresponding to Section 126 of BNSS. A careful reading of Section 111 Cr.P.C. makes it evident that any notice issued under Section 107

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must adhere to the procedural mandate prescribed therein—specifically, the requirement to disclose the substance of the information forming the basis of the proceedings. This procedural safeguard is essential, as it enables the petitioners to understand the allegations and respond appropriately. However, a plain reading of the impugned show cause notice issued under Section 107 Cr.P.C./Section 126 BNSS, 2023 reveals that it fails to meet this requirement. The notice merely alludes to a land dispute without providing any substantive details regarding the nature or specifics of the property in question.

4. In view of the foregoing the learned Public Prosecutor is unable to refute the submissions advanced by the learned counsel for the petitioners, based on the documents available on record.
5. Accordingly, the criminal revision application is **admitted**. Let **notice be issued to Opposite Parties 2 and 3**. The **record of the case is also requisitioned from the Court concerned**.
6. Meanwhile, the operation of the impugned order dated 20.09.2025 passed in Miscellaneous Case No. 1104(M)/2025 **shall remain stayed** until further orders.
7. List the matter on 18.11.2025.

(Dictated)

Sd/-
(Rupesh Deo)
Sessions Judge, Patna.