

1.

In the Court of Distt. & Addl. Sessions Judge- II, Barh (Patna)

Criminal Revision- 854/2025

Present:- Manish Kumar

Dharmendra Sao ----- Revisionist

Vrs.

State of Bihar ----- Opposite Party

Barh / Dated 30th of March, 2026.

Advocate for the Opposite Pary :- Sri Binod Kumar, Ld. A.P.P.

**Advocate for the Revisionist :- Sri Madhukar Sinha, Ld. Advocate
Sri Ravishankar, Ld. Advocate**

1. The present criminal revision is directed against cognizance order dated 03/11/2025 passed by Judicial Magistrate-I Class Barh, in connection with complaint case No. 862(C)/2024 whereby Ld. Trial Court has taken a cognizance for the offences U/Sec. 318(1) of the BNS only against Sumitra Devi by dropping the proceedings against other accused named in the complaint petition.

2. Heard Ld. Counsel for the revisionist and Ld. Counsel for the state. Perused the lower court record as well as the impugned order dated 03/11/2025 passed by Ld. JM-I class, Barh.

FACTUAL BACKGROUND

3. The factual background of the case is that complainant Dharmendra Sao filed a complaint petition No. 862(C)/2024 in the court of Ld. ACJM, Barh alleging therein that he solemnized marriage with Sumitra Devi about 20 years ago and they have two minor children out of said wedlock. The complainant further alleged that while he was working in Panipat, he had purchased a piece of land worth Rs. 50,0000/- (Fifty Lakhs) in the name of his wife and also bought jewelry worth Rs. 11,0000/- (Eleven Lakhs) for his wife. The complainant further alleged that her wife has developed illicit relation with one Bhushan Kumar and when he came to know about the relationship in

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2024, he made objection after which he was threatened with death. Further, on 20/11/2024, her wife left her matrimonial home with her child and when he went to Sasural, he was assaulted by her in-laws.

4. During inquiry the complainant examined himself on oath and has produced documentary evidence as well as three witnesses namely- EW(1) Indrajeet Kumar, EW(2) Urmila Devi and EW(3) Ashok Kumar Sao in support of his case.

5. The Ld. J.M-I, Barh after perusal of the complaint petition, the statement of complainant on oath and inquiry witnesses as well as document furnished by the complainant, found sufficient ground for proceeding U/Sec. 318(1) of the BNS against Sumitra Devi. Therefore, took cognizance for the offence U/Sec. 318(1) of the BNS only against Sumitra Devi by dropping the proceedings against other accused named in the complaint petition.

SUBMISSION ON THE BEHALF OF REVISIONISTS

6. Ld. Counsel for the revisionists submits that the Ld. Magistrate-I class, Barh has failed to appreciate the materials available on record. It is contended that the inquiry witnesses have supported the case of the complainant as well as documentary evidence produced before the court prima facie establish involvement of all the accused persons. It is further submitted that the complainant was cheated by his wife who developed illicit relation with the accused Bhushan Prasad and left the matrimonial home with her child. It is also submitted that when the complainant visited his Sasural, he was assaulted by his in-laws. Therefore, it is argued that dropping of proceedings against Bhushan Prasad and his in-laws, named as accused in the complaint petition is arbitrary and illegal.

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SUBMISSION ON THE BEHALF OF STATE

7. Per contra, Ld. Counsel for the state submits that on the basis of statement of inquiry witnesses examined on the behalf of complainant and documentary evidence produced before the trial court, Ld. Magistrate-I class Barh has taken a cognizance for the offence U/Sec. 318(1) of a BNS against the complainant's wife namely Sumitra Devi and proceedings have been dropped against other accused persons named in the complainant petition due to lack of sufficient evidence. Therefore, no interference is warranted in the impugned order.

CONSIDERATION

8. I have considered the submission advanced by both the sides and perused the material on record.

9. From the perusal of impugned order, it appears that the Ld. Magistrate has considered the statement of complainant and inquiry witnesses as well as the documents brought on record. Upon such consideration, the Ld. Magistrate found sufficient ground to proceed only against accused Sumitra Devi i.e. complainant's wife and did not find adequate material to proceed against the remaining accused persons.

10. The allegation relating to alleged relationship of wife with accused Bhushan Prasad, in absence of cogent material constituting a specific offence, do not by themselves make out a criminal case against such accused. Similarly, the allegation against the in-laws regarding assault appears to be general and omnibus in nature and are not supported by specific means.

11. In the present case, no such illegality or perversity is found in the impugned order. The Ld. Magistrate-I class, Barh has exercised judicial discretion based on the materials available on record, and the same does not call for interference. **(Cont'd/-..)**

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12. Accordingly, this court finds no merit in the present criminal revision.

ORDER

In the light of forgoing discussion, the criminal revision is hereby dismissed. Let the Lower Court Record be sent back forthwith along with the copy of this order.

(Dictated)

(Manish Kumar)
Distt. & Addl. Sessions Judge-II
Civil Court, Barh (Patna)
Dated- 30.03.2026