

*Present - Kanhaiya Jee Choudhary
Sessions Judge, Purnea
Cr. Rev. No. 52/2026
Date of Order – 23.06.2026*

**IN THE COURT OF SESSIONS JUDGE, PURNEA
DISTRICT-PURNEA, BIHAR
[CRIMINAL REVISION NO. 52/2026]**

(Arising out of case No.- 321M/2026 pending in the court of S.D.M.,
Sadar Purnea)

IN THE MATTER OF:-

Status of the parties

before this Court

Revisionist

Status of the parties

before the Trial Court

Second Party

1. Akbar Ali Khan, S/o- Late Yar Ali Khan, age 60 years,
 2. Tanveer Ali, S/o- Akbar Ali Khan, age 40 years,
- Both R/o Vill.- Rambagh Chowk, P.S. Sadar, Distt.- Purnea

..... **Petitioners**

Vrs.

1. The State of Bihar,
2. Naiyar Alam, S/o- Md. Sayeed,
R/o Near Millia Convent, Rambagh, P.S.- Sadar, Distt.-Purnea
3. Md. Hasnain Alam, S/o- Md. Alamgir,
4. Md. Sadab Anwar, S/o- Mansoor Alam,
Both R/o Masjid Tola Rambagh, P.S.- Sadar, Distt.- Purnea,
5. Md. Shahbaz Alam, S/o- Md. Sayeed,
6. Md. Nurain, S/o- Alamgir,
Both R/o Masjid Tola Rambagh, P.S.- Sadar, Distt.- Purnea,
7. Md. Furkan Alam, S/o- Md. Idris,
R/o Sosa Niyan, Chunapur, P.S.- K. Nagar, Distt.- Purnea,
8. Md. Kaiser, S/o- Jahoor Alam,
R/o Masjid Tola Rambagh, P.S.- Sadar, Distt.- Purnea,
9. Md. Ainatullah, S/o- Sabbir Ahmad,
R/o- Darha Ilacho, Ward No. 9, P.S. Dagarua, Distt.- Purnea,
10. Md. Ekhlak Ali Khan, S/o- Md. Anwar Ali Khan,
R/o- Rambagh Chowk, P.S.- Sadar, Distt.- Purnea,
11. Saddam Khan, S/o- Irshad Ali Khan,

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- R/o- Main Road Rambagh, P.S. Sadar, Distt.- Purnea,
12. Shahanwaj Akbar, S/o- Ajhar Akbar,
R/o- Rajabari, P.S. Khajanchi Hat, Distt.- Purnea,
13. Manirul Islam, S/o- Gyasuddin,
R/o- Near Hope Hospital, P.S. Sadar, Distt.- Purnea,
14. Md. Nasimuddin, S/o- Late Abdus Samad,
R/o- Basha Tola, Hadgachi, P.S.- Dagarua, Distt.- Purnea,

..... **Opposite parties**

Counsel for the petitioners:- Smt. Vinita Sinha, Ld. Advocate

Counsel for the opposite party:- Sri Awdhesh Tiwari, Ld. PP,

Date of order: 23.06.2026

Present: Kanhaiya Jee Choudhary,
Sessions Judge, Purnea
23.06.2026

ORDER

1. The present revision has been preferred by the petitioners against the order dated 06.04.2026 passed by the learned court of S.D.M., Sadar, Purnea in case No.-321M/2026 through which Ld. Magistrate initiated proceeding U/s 126 of BNSS against both the parties and also directed them to file their respective show-cause.

2. Feeling aggrieved by the aforesaid impugned order, the present revision petition has been preferred by the revisionists on the grounds as set out in petition. The main contention of the revisionists is that the impugned order is illegal, arbitrary and unsustainable in the eyes of law. The impugned order / notice does not contain the specific details i.e. Khata No. / Khesra No. of land-in-question. The dispute between the parties are related to demarcation as well as possession over land-in-

question which is purely civil in nature but Ld. Magistrate has committed error by using preventive criminal sections to interfere in a property dispute. The learned Magistrate has also failed to record any specific reason with date, time and place as to why an interim bond was necessary before proper enquiry. Ld. Magistrate has mechanically reproduced the law without disclosing the material particulars of the alleged breach of peace. The order passed by the Ld. SDM is faulty, wrong and illegal in the eyes of law and fit to be set-aside by this court.

3. Ld. P.P. submitted that the order passed by learned S.D.M., Sadar to initiate proceeding u/s 126 of BNSS over the land-in-question is based on police report submitted vide non FIR no. 37/2026 by SHO Sadar which is just and proper and requires no interference by this court.

4. I have heard the Ld. Counsel appearing on behalf of petitioners as well as Ld. PP appearing on behalf of State and perused the Trial Court record.

5. During the course of hearing, it was came to notice of the court that the impugned order does not bear date nor the signature of presiding officer bears date. Accordingly, a report was called for from the P.O. concerned which has been received vide letter no. 1188 dated 03.06.2026 stated therein that the corresponding date of order was 06.04.2026 which was not mentioned due to clerical mistake.

6. It appears from the perusal of impugned order dated 06.04.2026 that Ld. SDM, Sadar Purnea initiated proceeding U/s 126 of BNSS against both the parties and also directed them to file their respective show-cause to maintain peace till 01 years. Ld. S.D.M., Sadar initiated prohibitory order relying upon the Police report submitted by P.S. Sadar

vide non-FIR number 37/2026. It is also mentioned in the impugned order that the first party / O.P.s claim that the land-in-question as *Kabristan* (Waqf No. 2899) whereas the second party / revisionsists are trying to demarcate / possess disputed land using weapons forcefully. There are imminent chance of breach of peace and public tranquility over the alleged disputed land and accordingly Ld. SDM, Sadar initiated proceeding under section 126 of BNSS against both the parties to maintain peace till 01 year and directed them to file their respective show-cause.

In this present case, this court finds that the Ld. SDM, found apprehension of breach of peace and only to maintain peace, he has ordered to issue notice to appear and file show cause in a proceeding under section 126 of BNSS. This order is interlocutory order and has given opportunity to these petitioners to appear before the Ld. Court below itself and show their causes regarding initiation of proceeding under section 126 of BNSS. At this stage, this court failed to find any irregularity or illegality in the order under challenge.

7. Present Revision petition is, accordingly ***disposed***, with above observations. A copy of the order be sent to learned S.D.M., Sadar for information.

8. File related to Revision petition be consigned to the Record Room.

Dictated and corrected by me.

Sd/-
(Kanhaiya Jee Choudhary)
Sessions Judge,
Purnea
23.06.2026

***Present - Kanhaiya Jee Choudhary
Sessions Judge, Purnea
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Date of Judgment / Order	23.06.2026
Date of Reserving Judgment / Order	-NA-
Uploading Date	01.07.2026
Uploaded by	Ritesh Kr. Jha, DWTC