

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III

SAMASTIPUR

Criminal Revision. No. 303/2026

In The Matter Of -

1. Md. Tarfjul @ Tafjul Husain,

2. Md. Moti,

3. Md. Idrish,

(All are sons of Md. Khalil and R/o-Vill- Sai Mallipur, P.S.-Mathurapur, Distt.-
Samastipur)

..... Petitioners

VERSUS

1. State of Bihar

..... Opposite Party

Counsel for the Petitioner- Sri Anil Kumar Sharma, Ld. Advocate

Counsel for the Opposite Party - Sri Shiv Shankar Pd. ,Ld. A.P.P for the
State.

Date Of Order- 01st July, 2026

Present- Rahul Kumar

Addl. Sessions Judge-III Samastipur

ORDER

1. This instant revision petition has been preferred by the above stated revisionists against the respondent State of Bihar for setting aside the order dated 06.05.2026 passed by Id. S.D.M, Samastipur in M.R. Case No. 750/2026, whereby he has drawn up a proceeding U/S 126 BNSS by issuing show cause notice against the revisionists as to why the petitioners shall not be execute a bond of Rs. 300000 with two sureties of like amount for maintaining peace and tranquility for the period of one year.

2. The brief facts leading to this instant revision petition is that the learned Sub- Divisional Magistrate, Samastipur received a report from P.T.C/

S.H.O, Mathurapur Police station, for initiation of proceeding u/s 126 of BNSS. In police report it has been stated that on the basis of application received from the office of the Id. S.D.O, Sadar, Samastipur bearing Memo no.-4480/10.12.2025 an inquiry was made and during the course of inquiry it was found that there is land dispute in between the parties and both the parties claiming their possession over the same land and they are showing Khatiyani and claiming that land is their ancestral property. Both the parties were about to assault and abuse but the matter was resolved by conciliation. However, there exists intense atmosphere between the parties and there is apprehension of breach of peace and tranquility and occurrence may take place at any time. On the basis of said report, Id. S.D.M. drawn an order dt.06.05.2026 (here in after shall be referred as impugned order) and directed the revisionists to show their causes as to why they should not be ordered to execute a bond of Rs. 300000 with two sureties of like amount to maintain peace and public tranquility for one year

3. Being aggrieved with the said impugned order dated 06.05.2026 passed by Id. S.D.M, Samastipur in M.R. Case No. 750/2026, the present revisionists have preferred this revision on following grounds:-

(I) that the impugned order is not maintainable in the eye of law.

(II) that the Id. S.D.M. has not applied his judicial mind to the facts and circumstances of this case and initiated a proceeding u/s.-126 of BNSS.

(III) that the police report which is basis of the impugned order does not disclose any specific overt act between the parties.

(IV) that Id. S.D.M. has not applied the provision of sec.111 of Cr.Pc/130 of BNSS.

(V) that the impugned order has been passed in routine manner without application of judicial mind and the same is sweeping order.

(VI) that the police report is also a table work as it does not disclose the description of the land in question.

4. Ld. Counsel for revisionists as well as Ld. APP have been heard.

It has been argued on behalf of revisionists that Ld. S.D.M. has passed the impugned order without applying his mind in routine manner as the police report upon which impugned order has been drawn does not disclose any overt act between the parties and there is no apprehension of breach of public peace and tranquility. Further, it has been argued that the

police report is also a table work as it does not mention descriptions of the land for which proceeding has been initiated. Lastly, it was argued that the impugned order is bad at law and liable to be set-aside.

Per-contra, Ld. A.P.P for the state has submitted that the impugned order passed by the Id. S.D.M is not bad either in law or in facts and the same was initiated on the report of the police concerned and proper compliance u/s 126 of BNSS has been made and there is no illegality in the said order and he has further submitted that the said proceeding was initiated and petitioners have been directed only to give reply of show cause and the order is not final one and for the same no revision can be maintainable. As such the revision petition filed by the petitioners must be dismissed.

5. This court carefully perused the Ld. Trial Court record.

6. On perusal of the Ld. Trial court records as well as impugned order it appears that after compliance of all the provisions as mentioned in BNSS, the petitioners were served show cause notice as why bonds of Rs.300000 with two sureties of like amount for one year for keeping peace and tranquility shall not be executed by the revisionists. It further appears that the revisionists have only been directed to give reply of show cause notice. In other words, revisionists have been given opportunity to be heard before passing any substantive order against them affecting their rights. Thus, this court, on the basis of above, discussion is of opinion that the impugned order is interlocutory in nature.

Section-438(2) BNSS, 2023 postulates the law that the powers of revision conferred by sub section (1) of section-438, BNSS 2023 shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry trial or other proceedings.

In the matter of Sanjeev Kapur Vs. State (NCT of Delhi) decided on 26.07.2010 in Cri. M.C. No.-2265 of 2010, Hon'ble Delhi High Court has also been pleased to hold that show cause notice is purely interlocutory order. In said case, the petitioner, u/s.-107/111 of Cr.Pc was directed to show cause as to why he should not be ordered to execute a surety bond and a personal bond.

7. In view of the above discussion, this court is of the view that the impugned order is purely interlocutory in nature and is not revisable in view

of Section-438(2) BNSS, 2023

Accordingly I am of the view that there is no merit in present revision petition and as such, the revision petition filed by the revisionists is hereby dismissed.

Let a copy of this order be sent to the court of Id. S.D.M, Sadar, Samastipur for information and needful.

Office Clerk is directed to deposit the record in record room as per rule.

Dictated and corrected by me

Rahul Kumar
Addl.Sessions Judge-III
Samastipur
Dt.-01.07.2026

Rahul Kumar
Addl.Sessions Judge-III
Samastipur
Dt.-01.07.2026

Date of Judgement	01-07-2026
Uploading Date	03-07-2026
Uploaded By	Siddhant Kumar