

In the Court of Principal District & Sessions Judge Samastipur

CRIMINAL REVISION NO. 317 OF 2026

1. Pankaj Kumar
2. Pappu Kumar.

Both sons of Ram Pravesh Rai, R/o Village Govindpur Khajuri, P.S. Kalyanpur, District Samastipur.

-----Petitioners

Vrs.

The State of Bihar -----O.P.

Presiding Officer: Sri Samir Kumar, Sessions Judge, Samastipur.

Samastipur, the 12th.day of June 2026

ORDER

1. This criminal revision has been filed on behalf of above named petitioners and is directed against the order dated 04.04.2026 passed by the Ld. Court below i.e Court of S.D.M. Samastipur in M.R.No.593 of 2026, whereby and whereunder the learned S.D.M. Samastipur initiated a proceeding under Section 126 of the B.N.S.S and directed the Petitioners/O.P. 2nd.Party of M.R.No.593 of 2026 to file show cause in the case.

2. Heard Sri Vijay Kumar Sinha- Ld. counsel appearing for the petitioners and also heard Sri Shiv Kumar Prasad-Ld. P.P for the State.

3. At the time of hearing, it was submitted on behalf of the petitioners that the learned court below erred by not mentioning the description of overt act alleged to have been committed by the

noticee of the show cause/petitioners and in the absence of the same impugned order is illegal as the petitioners are not in a position to know the alleged wrong committed by them. Further submitted that it was not enough to mention that there is tension between the parties owing to lodging of Kalyanpur P.S.Case No.84 of 2026 dated 13.03.2026. It is settled principle of law that proceeding under Section 107 Cr.P.C corresponding to Section 126 B.N.S.S can only be initiated when there is some overt act alleged after lodging of criminal case but in the present case it is not mentioned that on which date and time people of O.P.2nd.Party went to the house of O.P.1st.Party for committing assault which is vague. Further submitted that there is non-compliance of mandatory provision of law under Section 130 of the B.N.S.S.

4. The Ld. P.P has opposed the submission of Ld. Counsel of the petitioners and submitted that there is no illegality or irregularity in the impugned order and the Ld. Court below has properly complied the mandatory provision of law under Section 130 of the B.N.S.S. Hence, prayed to dismiss the revision.

5. After hearing and on perusal of the record, it appears that contention of petitioners is that as because no overt act has been mentioned in the impugned order, the order does not satisfies the requirement of Section 130 of the B.N.S.S and it is not sustainable and hence interference of this court is needed in Revisional side. But on going through the impugned order, it appears

that there is substantial compliance of provision of Section 130 B.N.S.S as because it is clearly stated that Ist. Party Braj Kishore Rai of M.R.No.593 of 2026(the proceeding below) had lodged Kalyanpur P.S.Case No.84 of 2026 dated 13.03.2026 against petitioners and owing to the same the 2nd.Party (Petitioners here) went to the house of first party and fired bullet and used criminal force which has given rise to tension between the parties and there is apprehension of breach of peace.

6. In my considered opinion the impugned order does not need any interference from this court. The impugned order is preventive in nature and substantial compliance of the provision of Section 130 B.N.S.S will suffice the requirement of law.

7. Thus, I find no illegality or irregularity in the impugned order and hence, the present criminal revision is **dismissed** at the admission stage itself.

(Dictated)

(Samir Kumar)
Sessions Judge
12.06.2026

Date of Judgment / Order	12.06.2026
Date of Reserving Judgment / Order	12.06.2026
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