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In the Court of Deepak Kumar, Principal Sessions Judge, Sheohar
Criminal Revision Case No. 01 of 2026
G.R. No. 921 of 2025
(Arising out of Purnahiya Police Station Case No. 85 of 2024)
Under Sections 103(1),3(5) of B.N.S.
(CNR No.BRSO01-000203-2026)
Keshav Kumar Singh & Others Versus State of Bihar & Others

1. Keshav Kumar Singh son of Arun Kumar Singh,
2. Randhir Kumar Singh @ Mohan Singh son of Rambabu Singh
3. Rupam Kumari wife of Rambabu Singh,
4. Mala Devi wife of Shailendra Kumar Singh,
5.Pintu @ Mintu Devi wife of Rambabu Singh,
R/o Village- Chiraiya, P.S.- Purnahiya, District- Sheohar.

..... Petitioners

Versus

1. The State of Bihar Opposite 1st Party
2. Bal Kishor Singh son of Brijkishor Singh,
R/o Village- Chiraiya, P.S.- Purnahiya, District- Sheohar
..... Opposite 2nd Party

Learned Counsel for the Petitioner: Mr. Madhukant pandey.
Learned Public Prosecutor for the State:- Mr. Suresh Roy
Learned Counsel for the opposite 2nd party:- Dharmendra Kumar Singh.

ORDER

03.08.2026

01. Heard learned counsel for the petitioners, the State and the informant.

02. This criminal revision application has been preferred on behalf of the petitioners for setting aside order dated 02.09.2025, passed by Learned Sub-Divisional Judicial Magistrate (S.D.J.M.), Sheohar, in connection with Purnahiya P.S. Case No. 85/2024 (corresponding G.R. No. 921/2025), whereby the Learned Court has directed the office to issue summons against the petitioners also after taking cognizance under section 103 (1), 3(5) Bharatiya Nyaya Sanhita, 2023 (B.N.S) where as the police had submitted final form / closer report against them.

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03. The factual matrix of the case is that F.I.R bearing Purnahiya P.S. Case no. 85/2024 has been registered on 21.08.2024, under sections 103 (1), 3 (5) Bharatiya Nyaya Sanhita, 2023 (B.N.S) on the basis of written application submitted by the informant Balkishore Singh. It is alleged in the F.I.R that the co-villagers of the informant namely Shailendra Kumar Singh, Varun Kumar Singh, Rambabu Singh, Madhav Kumar @ Golu, Arun Kumar Singh, Keshav Kumar, Randhir Singh @ Mohan, Rupam Kumari, Mala Devi and Pintu Devi were planting banana plant in the field of informant and upon receiving said information the informant and his father went there and objected them from doing so. It is alleged that on their objection the accused Rambabu Singh ordered others to kill them and thereupon the accused Shailendra Kumar Singh assaulted the father of informant with "Pasath" of spade which caused grave injury on his neck. It has further come in the FIR that upon receiving injury the father of informant fell down unconscious on the ground and when the informant intervened to save him then Varun Kumar Singh gave him blow with knife on his temple with an intention to commit his murder and caused him a bleeding injury thereon. It is even further alleged that despite of his father having been seriously injured, the accused Varun Kumar Singh and Arun Kumar Singh assaulted him on his chest with their legs and subsequently upon considering him dead the accused persons fled away. It is stated that thereafter the dead body of the father of informant was brought to the door of informant where on the arrival of police he was taken to hospital where he was declared dead. Accordingly, with the said allegation FIR has been instituted.

04. After completion of investigation the Investigating officer submitted Charge-sheet bearing no. 63/25, Under Section 103(1), 3 (5) Bharatiya

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Nyaya Sanhita, 2023 (B.N.S) on 31.05.2025 against five accused persons namely Shailendra Kumar Singh, Varun Kumar Singh, Arun Kumar Singh, Rambabu Singh and Madhav Kumar @ Golu and the petitioners namely Rupam Kumari, Mala Devi, Pintu @ Mintu Devi, Keshav Kumar and Randhir Singh @ Mohan were not sent up for trial.

05. Thereafter, after taking cognizance of offence Under Section 103 (1), 3(5) of B.N.S on 02.09.2025, the Learned S.D.J.M., finding prima-facie the allegations to be true against all ten accused persons (including the petitioners) directed the office to issue summon against all.

06. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are named in the F.I.R., however, there is no specific allegation against them. After due investigation the investigating officer submitted final form/ closure report against five accused persons namely Rupam Kumari, Mala Devi, Pintu @ Mintu Devi, Keshav Kumar and Randhir Singh @ Mohan and submitted charge-sheet against rest other five accused persons namely Shailendra Kumar Singh, Varun Kumar Singh, Arun Kumar Singh, Rambabu Singh and Madhav Kumar @ Golu. Thereafter, the learned S.D.J.M., without applying independent judicial mind to the material on record and without recording any reason to differ with the closure report against the petitioners directed to issue summons against them. Thus the impugned order is non-speaking one and absence of reasons renders it unsustainable. He further submitted that it has come on record during the course of investigation that both sides are relatives and there is land dispute between the parties. The investigating officers after verifying the mobile tower location of petitioner No. 1 and 2 came to conclusive conclusion that they were not present on the spot at the relevant point of time. Petitioner no. 3, 4 and 5 were also not present on

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the spot and were in their house. The petitioners have no criminal antecedent. These facts are supported by documents as well as statement of witnesses recorded during the course of investigation. He further submitted that the doctor has not found any external or internal injury on the body of deceased. Thus, the allegations leveled in the FIR are contrary to the medical opinion. It is a planted case against the petitioners.

07. Learned Counsel for the informant (Opposite party No. 2) submitted that there is no illegality in order dated 02.09.2025 passed by Learned S.D.J.M., Sheohar. The learned Court can differ with the closer report submitted by I.O. and can issue summons against the petitioners. There is no legal bar to it. The petitioners are named in the FIR and they in collusion with other co-accused persons killed father of the informant. Many witnesses have supported the prosecution version. At this stage it is not minutely to see whether the petitioners have committed offence or not. It will be seen in the trial. At this stage only prima-facie material is to be looked into and the learned S.D.J.M. finding prima-facie sufficient materials against the petitioners decided to proceed against them.

08. Case Record was called for from the Court of Learned S.D.J.M., which has been received. From perusal of the F.I.R., Case-Diary it is evident that petitioners are named in the F.I.R. After due investigation, on the basis of materials collected, I.O. did not find the involvement of petitioners in this case and as such they were not sent up for trial. Charge-sheet was not filed against them. However, after taking cognizance of offence under section 103 (1), 3 (5) B.N.S.S., Learned S.D.J.M. finding sufficient materials available on the record decided to proceed against the petitioners also alongwith the charge-sheeted accused persons and office was directed to issue summons against all for

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appearance.

09. From perusal of the cognizance order dated 02.09.2025 it is apparent that the Learned S.D.J.M., while differing from the police report submitted by the I.O. against the petitioners decided to proceed against them, however no specific reason has been assigned.

10. A Magistrate need not write a detailed reasoned order for issuing summons (Kanti Bhadra Shah Vs. State of West Bengal, (2000) 9 SCC 722). However, in the event where the police has submitted charge-sheet against some accused persons and exonerated rest other accused persons and magistrate disagrees with the exoneration of some accused person he shall assign reasons in short, on the basis of materials available on record, regarding his satisfaction that a prima-facie case is made out to proceed against the persons against whom police has submitted final form. A magistrate has an important role to play upon taking cognizance on the police report submitted by him, in particular, where he disagrees and forms his own opinion. Such situation pre-supposes an independent judicial assessment (Abhinandan Jha Vs. Dinesh Mishra, AIR 1968 SC 117 ; Kishor Kumar Gyanchadani Vs. G.D. Mehrotra, (2011) 15 SCC 513).

11. Where a single FIR results in a final report against some accused and a charge-sheet against others, the Magistrates is in-substance dealing with two distinct applications of mind. First on the final report and second on the charge-sheet. A magistrate shall record in brief as to why he is declining to accept the final report by referring to specific material on record connecting them to the offence and not a blanket recitation that material exist against all accused. Summoning an accused is a serious matter requiring positive material and judicial application of mind. It is

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not a routing a mechanical exercise.

12. In view of the above discuss facts and law this court is of the opinion that there is material irregularity in order dated 02.09.2025. As such, part of the order dated 02.09.2025 whereby summons have been directed to be issued against the petitioners also is hereby set aside. The Learned Court of S.D.J.M. is directed to pass a fresh reasoned order against the petitioners without getting prejudiced by any observation made in this order.

With the aforesaid observation the instant revision application filed by the petitioners stands allowed to the limited extent as indicated above.

Let the trial court records be transmitted back to the learned court along with a copy of this order for information and necessary action.

Dictated and corrected by me.
Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar.
Dated: 03.08.2026

Date of Order	03.08.2026
Date of Reserving Order	31.07.2026
Uploading Date	03.08.2026
Uploaded By	Sanjeev Kumar, (Steno)