

BRSR010047392026



In the Court of SESSIONS JUDGE, Saran at Chapra

Present:

Puneet Kumar Garg,
Sessions Judge,
Saran at Chapra

Chapra, dated 11th June, 2026

[Criminal Revision No. 106 of 2026]

*[arising out of an impugned
Order dated 16.02.2026
passed by Ms. Atulya Stuti,
learned JMFC, Saran in
Tr. No. 663/2026 in connection with
Complaint Case. No. 205/2024, titled as
Pramod Kumar V/s Shailesh Rai & Ors.]*

Deepak Rai S/o late Lalan Rai,
R/o Village – Sadpur,
P.S. - Garkha, District - Saran

.....Revisionist-Accused

VERSUS

1. The State of Bihar &
2. Pramod Kumar S/o Vakil Prasad Yadav,
R/o Village – Sadhpur,
P.S. - Garkha, District - Saran

.....Opposite Parties

Counsel for the Revisionist : Shri Pankaj Kumar, learned Adv. a/w
Shri Md. Shahzad Ahmad Mazahari, ld. Adv. &
Shri Adarsh Kumar Srivastava, learned Adv.

Counsel for the State : Shri Sarabjeet Ojha, learned P.P.

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ORDER

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1. The present criminal revision petition dated 28.03.2026 has been filed by the revisionist-accused for setting aside the impugned order dated 16.02.2026 passed by the learned JMFC, Saran at Chapra in Trial No. 663 of 2026 arising out of Complaint Case No. 205 of 2024, whereby cognizance has been taken under Sections 341, 323, 324, 326B, 384/34 of the IPC against the accused persons and summons have been directed to be issued.
2. **Briefly stated**, the present proceeding arises out of Complaint Case No. 205 of 2024 filed by opposite party no. 2 alleging that on 10.01.2024 at about 05:00 PM, while he was returning from Chapra Court, the accused persons intercepted him and his companion near Kamalpur Petrol Pump, assaulted them, compelled him to sign blank stamp papers, attempted to throw acid upon him and his companion, and also snatched his gold chain. Upon solemn affirmation and enquiry, the complainant examined himself and three enquiry witnesses. Earlier, by order dated 07.05.2024, the accused persons had been summoned. The said order was challenged in Criminal Revision No. 297 of 2024 and the learned revisional court *vide* order dated 28.08.2025 set aside the summoning order observing that the order was cryptic in nature and directed the learned Magistrate to pass a fresh speaking order. Thereafter, the learned Magistrate reconsidered the materials available on record and passed the impugned order dated 16.02.2026.
3. Learned counsel for the revisionist-accused has submitted that the impugned order is illegal, arbitrary and passed without proper appreciation of the materials available on record. It is submitted that no injury report, burn injury report or medical document has been brought on record and, therefore, no offence under Section 326B IPC is made out. It is further

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submitted that there are several litigations pending between the parties and the complaint has been instituted out of previous enmity. It is also contended that the learned Magistrate failed to properly appreciate the earlier revisional order dated 28.08.2025 and mechanically proceeded to take cognizance once again. On these grounds, it has been prayed that the impugned order be set aside.

4. On the other hand, learned PP for the State has opposed the revision and submitted that at the stage of cognizance and issuance of process, the Court is only required to ascertain whether a *prima facie* case is made out from the complaint petition, solemn affirmation and enquiry evidence. It is submitted that the learned Magistrate has discussed the materials available on record and thereafter passed a reasoned order. Hence, no interference is warranted in revisional jurisdiction.
5. Heard learned counsel for the revisionist-accused and learned PP for the State. Perused the trial court record and the materials available on record.
6. The principal contention raised on behalf of the revisionist-accused is that no burn injury or medical report has been produced and, therefore, the offence under Section 326B IPC cannot be said to be made out. In order to appreciate the said submission, it would be relevant to reproduce **Section 326-B IPC**, which reads as follows:-

"326-B. Voluntarily throwing or attempting to throw acid.— Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine."

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7. A plain reading of the aforesaid provision clearly shows that the legislature has consciously used the expressions "***attempts to throw acid***" and "***with the intention of causing***". Thus, for attracting Section 326B IPC, the emphasis is not upon actual injury, actual burns, disfigurement or medical evidence of acid injuries. The provision itself criminalizes the act of attempting to throw acid coupled with the requisite intention. In other words, even if the intended victim succeeds in escaping and no physical injury is ultimately caused, the offence may still be attracted if there are *prima facie* materials showing an attempt to throw acid with the requisite intention contemplated under the section.
8. In the present case, the complaint petition specifically alleges that the accused threw acid-filled bottles towards the complainant and his companion. Similar allegations have also been reiterated in the solemn affirmation as well as in the statements of the enquiry witnesses. The learned Magistrate has discussed these materials in the impugned order and has recorded that the allegations regarding the attempted acid attack find support from the enquiry evidence. At this stage, the Court is not required to meticulously evaluate the truthfulness, reliability or sufficiency of the evidence as would be done during trial. The court is only required to ascertain whether *prima facie* materials exist for proceeding against the accused persons.
9. The absence of a burn injury report or medical document, therefore, cannot by itself be a ground to hold that no offence under Section 326B IPC is made out. Such an argument overlooks the very language employed in Section 326B IPC, which specifically includes an attempt to throw acid. The question whether the incident actually occurred, whether acid was in fact thrown, whether the witnesses are reliable and whether the prosecution ultimately succeeds in proving the charge are matters to be adjudicated

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during trial on the basis of evidence. At the present stage, those issues are beyond the scope of revisional scrutiny.

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statements of enquiry witnesses and the impugned order, this Court finds that the learned Magistrate has applied judicial mind to the materials available on record and has assigned reasons for arriving at the conclusion that a *prima facie* case exists against the accused persons. No jurisdictional error, illegality or material irregularity is found in the impugned order warranting interference by this Court.

- [Dictated]

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