

In the Court of Addl. Sessions Judge-II
Supaul

Criminal Revision No. 62/2023

**(Against the Order dated 18/08/2022 passed by Sri Ashish Narain, Ld. J.M.-Ist,
Supaul in Complaint Case number 649^C/2019)**

1. Ramesh Nandan Prasad and
2. Anokha Kumari, Both R/o- Narahi Shivpuri,
P.S.- Kishanpur, District- Supaul..... Revisionists

Versus

State of BiharO.P. 1st Party

Bimal Kant Verma @ Brahmdeo Sutihaar, R/o- Narahi Shivpuri,
P.S.- Kishanpur, District- Supaul.....O.P. 2nd Party

Date of Order :- The 2nd day of June, 2026

Present :- Rakesh Kumar-III
Additional Sessions Judge-II
Supaul

For the Revisionists	: - Sri R.P. Lal, Learned Advocate
For the O.P.-1	: - Mr. Md. Abu Zafar, Learned A.P.P.
For the O.P.-2	:- Sri K.K. Singh, Learned Advocate.

ORDER

- (1) This instant criminal revision application has been filed by the revisionists against the order dated 18/08/2022 passed by Sri Ashish Narain, Ld. J.M.-Ist class, Supaul in Complaint case number 649^C/2019 whereby and whereunder, the Ld. Magistrate found the, prima-facie case true after due inquiry against the accused persons, namely Ram Bahadur Yadav, Ramesh Yadav and Anokha Kumari for the offences u/s 323/379/504/34 of the IPC and issued summonses to the accused persons to appear and face the trial.
- (2) The record reflects that the accused Ram Bahadur Yadav died after passing of summoning orders. Then, the remaining two accused persons, i.e., Ramesh Yadav and Anokha Kumari, preferred the instant criminal revision.
- (3) The Ld. Advocates of revisionists submit that one revision petition bearing No.

15/23 was earlier filed by the revisionists, however, the same was containing some errors, hence, the said petition was withdrawn. He further submits that the complainant Bimal Kant Verma @ Brahmdeo Sutihar has filed a complaint petition bearing complaint case No. 649^C/2019 against accused persons, namely (1) Ram Bahadur Yadav, (2) Ramesh Yadav (3) Anokha Kumari respectively. He further submits that the complainant by filing aforesaid petition alleged that complainant is a simple farmer and he used to cultivate his land and from the income of cultivation, he maintained his family members. It is further alleged in the complaint petition that complainant has as a married daughter and she is graduate and her daughter was looking for a job and then, the complainant met accused Ram Bahadur Yadav who is the co-villager of the complainant and he is opened a primary and middle Sanskrit school in Narahi and accused Ram Bahadur Yadav was a secretary of that school. It is further alleged that the accused Ram Bahadur assure to give a job of teacher in his school on payment of three lakhs and accordingly, accused demanded three lakhs for the office expenditure of this school. It is further alleged complaint that for that purpose complainant has sold a land situated in Gram Narahi Shivpuri in Rs. 1,50,000/- on dated 22.09.2015 and rest amount he arranged from his income and has given to accused Ram Bahadur Yadav and after taking aforesaid money, accused Ram Bahadur Yadav also to signature of the complainant on the plain paper of the non-judicial stamp to use in office purpose by saying that without this document your daughter in not get job and her name will be not added in the teacher's post. The complainant further alleged that after lapse of six months when the daughter's name of the complainant was not added in the post of the teachers of the school, then, complaint asked to return money but accused persons have neither given job nor returned the money of complainant, then, complainant arranged a *panchayati* in which accused Ram Bahadur Yadav specifically stated that he has not taken the money and he will neither give the job not returned the money. It is further alleged by the complainant that on lastly 18.07.2019 at around 8:00 o'clock in the morning complainant went to the door of the accused and demanded money, then, accused no. 1 Ram Bahadur Yadav by using filthy language, asked accused no. 2 Ramesh Yadav to kill the complainant and bit him, then, the accused Ramesh Yadav assaulted the complaint with fist and slap and also thrashed on the ground, then complainant anyhow saved himself and came at his door and told about this occurrence to his wife. He further

alleged that again complainant and his wife went to the door of the accused persons, then, accused persons started abusing and also beaten to the complainant and his wife and took away golden chain from the neck of the wife of the complainant. He is further alleged that complainant given in information to the SHO of Kishanpur, but SHO did not register case and advised to file complaint before the Court.

- (4) The Ld. Counsel for the revisionists further submitted that during the course of inquiry complainant has produced three witnesses, namely (1) Rubi Kumari (2) Ram Chander Yadav and (3) Usha Devi and out of these witnesses Rubi Kumari and Usha Devi are the daughter's and wife of the complainant. He further submits that inquiry witness to Ram Chander Yadav who has supported the complainant case but to the court question, he stated that complainant has told about the giving of money to the accused and also told about the signature taken over the stamp.
- (5) The Ld. Counsel for the revisionists further submitted that the during the course of inquiry no any chit of paper has been produced by the complaint regarding the taking of money by the accused persons but despite of this fact the Ld. Magistrate has taken cognizance against the accused persons and issued summons against accused persons for their appearance to face trial. He further submits that no any inquiry report has been produced by the complainant before the Court but despite of this fact Ld. Magistrate has taken cognizance u/s 323/379/504/34 of the IPC against the accused persons.
- (6) The Ld. Counsel for the revisionists submitted that the real fact is that complainant has executed agreement for sale dated 10.02.2014, in favour of accused and when accused asked to execute the sale-deed, then, complainant refused execute to sale-deed for which accused has filed a Title Suit No. 176/2017, which is pending in the court of Sub-Judge-VII. He further submits that after knowing this fact the complainant has filed the false complaint petition against the accused persons.
- (7) The Ld. Counsel for the revisionists further submits that the order dated 18.08.2022 passed by the Ld. Magistrate is totally wrong illegal and not sustainable in the eye of law as the complainant has filed this frivolous complaint petition against the accused persons to grave the money of the accused persons. The Ld. Counsel for the revisionists further submits that the Ld. Magistrate has

passed the impugned order without applying judicial mind and the impugned order is required interference by this court and fit to be set aside by this Court.

- (8) Per contra, the Ld. APP for the state and Ld. Counsel for the O.P. No-2 submits that the Ld. Magistrate has passed the impugned order after due inquiry and which is in accordance with law and there is no necessity to interfere the impugned order .
- (9) Perused the case record, along with LCR (Lower Court Record). From perusal of the case record, it appears that Ld. Magistrate has after due examination of complainant on oath and three witnesses of the complainant on oath and also after hearing on the point of issuance of summons passed the impugned order. From perusal of the complaint petition, SA of complainant on oath and evidences adduced during the course of inquiry, it appears that the Ld. Magistrate has passed ordered dated 18-08-2022 in complainant case No.649^C/2019 for issuance summons against the accused persons to face trial for the offences u/s 323/379/504/34 of the IPC.
- (10) From perusal of the case record, I do not find any irregularities in the impugned order and accordingly, this revision petition is dismissed, with a liberty to revisionists raise all the points at the time of framing of charge.
- (11) Send down the LCR along with a copy of this order to the Ld. Court below.

Dictated & Corrected by me

(Rakesh Kumar-III)
Additional Sessions Judge-II
Supaul
Dated- 2nd June, 2026.

(Rakesh Kumar-III)
Additional Sessions Judge-II
Supaul
Dated- 2nd June, 2026.