

IN THE COURT OF SESSIONS JUDGE, CAMP COURT WEST CHAMPARAN AT BAGAHA

**Present :- Anamika T.
Principal Sessions Judge,
Camp Court West Champaran At Bagaha
Dated, 02nd May, 2026**

CRIMINAL REVISION No. 10/2026

1. **Eid Mohammad Sai** S/o-Hafiz Sai, aged about 33 years,
 2. **Sabre Alam Sai** S/o-Hafiz Sai, aged about 22 years,
 3. **Hafiz Sai** S/o-Late Rasul Miya, aged about 65 years,
 4. **Nasibun Nesha @ Najbun Nesha** W/o-Eid Mohammad Sai, aged about 27 years,
 5. **Samrun Nesha** W/o-Hafiz Sai, aged about 50 years,
- All R/o-Vill-Barwa Sahaj Tola, P.S.-Dhanaha, District-West Champaran.
.....**Petitioners/Revisionists**

Versus

1. **The State of Bihar**

..... **Opposite Party 01st Party**

2. **Noorjahan Nesha** W/o-Khus Mohammad Sai, R/o-Vill-Barwa Sahaj Tola, P.S.-Dhanaha, District-West Champaran.

.....**Opposite Party 02nd Party**

Counsel for the Revisionist : Shri Sunil Kumar Pathak, Adv.
Counsel for the O.P. No. 2 : Shri Brajeshwar Bharti, Adv.
Counsel for the State of Bihar : Shri Prabhu Prasad, P.P. I/C

02-05-2026	1. This criminal revision application is directed against the impugned order dated 15-11-2025 passed by Sri Abhishek Kumar Singh, Ld. J.M.F.C. Bagaha, West Champaran in G.R. No. 1511/2025, arising out of Dhanaha P.S. Case No. 269 of 2025, Tr. No. 3267/2025, whereby the learned court below has taken cognizance of the offences punishable under Sections 126(2), 115(2), 117(2), 109(1), 352, 351(2), 3(5) of B.N.S. against the revisionists/petitioners. 2. Being aggrieved and dissatisfied with the impugned order passed by the learned J.M.F.C Bagaha, the revisionists filed the	
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revision petition stating that the impugned order dated 15-11-2025 passed by Ld. J.M.F.C. Bagaha is bad in law as well as on facts. The cognizance order passed by the Ld. Trial Court is not sustainable in the eyes of law. There is no evidence or material available on record to take cognizance against the revisionists u/s-109(1) of B.N.S. All the injury reports collected by the Investigating Officer during the course of investigation are simple in nature. None of the injuries sustained by the injured are fatal or dangerous to life. The injury report of injured Sameer Sai shows one grievous injury which is on the hand. The Ld. Court below without considering the injury report or the case diary, mechanically passed the order and took cognizance against all the petitioners/revisionists u/s-109(1) of the B.N.S. The impugned order dated 15.11.2025 passed by Ld. Court below is bad and fit to be set aside.

3. In view of the above, the petitioners/revisionists prayed that this Court be pleased to set aside the impugned order dated 15.11.2025 and direct the learned Court below to proceed with the case.

4. The learned P.P. I/C, Sri Prabhu Prasad for the State has submitted that for meeting the ends of justice, proper order may kindly be passed.

5. The Ld. Counsel for O.P. No. 2 on the other hand supported the impugned order and prayed for dismissal of the Criminal Revision.

6. The facts of the case in brief are that the informant namely Noorjahan Nesha has alleged that after her family discovered her phone conversation with her Pattidar Sabre Alam Sai, a violent fight broke out. She alleged that all named

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accused, abused and assaulted her family members with Lathi and Farsa. The accused seriously injured her father-in-law and other two who came to rescue and also snatched a gold chain.

7. Heard both the sides and perused the record including LCR. From perusal of the record, it appears that earlier FIR bearing Dhanana P.S. Case No. 269/2025 was registered u/s-126(2), 115(2), 118(1), 303(2), 352, 351(2), 3(5) of the B.N.S. against the petitioners on the basis of written petition of the informant Noorjaha Nesha (O.P. No. 2 herein).

8. After investigation of the case, I.O. submitted final form bearing No. 389/2025, dated 30-09-2025 u/s-126(2), 115(2), 117(2), 109(1), 352, 351(2), 3(5) of the B.N.S. finding case true against the accused namely 1. Sabre Alam Sai, 2. Eid Mohammad Sai and 3. Hafiz Sai and rest accused namely 4. Nasibun Nesha @ Najbun Nesha and 5. Samrun Nesha were not sent up for trial.

9. Thereafter, the learned court below passed impugned order dated 15-11-2025 taking cognizance of the offence u/s-126(2), 115(2), 117(2), 109(1), 352, 351(2), 3(5) of B.N.S. against the revisionists/petitioners.

10. In the impugned order dated 15-11-2025 reference has been made in para No. 1, 3, 7, 8, 17, 29, 34, 35, 36, 47, 56 and 57. A perusal of these paragraphs shows that statements of injured namely Sagir Sai, Gudiya Nesha and Sofian Nesha are extracted at para No. 34, 35 and 36 of the case diary. These witnesses provide the best evidence as they were injured during the course of incident. The injury reports extracted at para No. 29 also corroborate version of the injured witnesses. However, it is significant to mention that these three persons have not

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mentioned the names of Revisionists No. 4. Nasibun Nesha @ Najbun Nesha and 5. Samrun Nesha and accordingly at para No. 57 of the case diary charge-sheet was submitted only against revisionist No. 1. Eid Mohammad Sai, 2. Sabre Alam Sai and 3. Hafiz Sai.

11. It is well settled principle that the learned court below may differ from the conclusion of the case investigated by the I.O. But if the learned court below differs from the conclusion of the investigating agency, then the learned court below must give the specific reason as to why he differs from the conclusion.

12. In view of the above discussion, the impugned order dated 15-11-2025, passed by Sri Abhishek Kumar Singh, Ld. J.M.F.C.-I, Bagaha is set aside and the matter is remanded back to Ld. S.D.J.M. Bagaha to pass a fresh order on evaluation of the material available on record and also assign reasons for passing of such order. Accordingly, this Criminal Revision is **hereby allowed.**

This order is dictated and corrected by me.

Anamika
02/05/2026
(Anamika T.)
Sessions Judge
West Champaran, Camp Court, Bagaha
02.05.2026