

**In the Court of Principal Sessions Judge, Begusarai
(Criminal Revision Jurisdiction)
Criminal Revision No. 218/2025**

[Against the Impugned Order dated 02.09.2025, passed in Mufassil P.S. Case No. 338/2024, by the court of Miss Kanchan Rani, Ld. JMFC, Begusarai]

In the matter of :

Sujit Kumar, S/o Raj Kumar Mahto, R/o vill. Mahmadpur, ward no. 38, P.S. Town,
Distt. Begusarai

.....**Petitioner/Revisionist.**

Vrs.

The State of Bihar

.....**O.P.**

Present : Sri Rishi Kant,
Principal Sessions Judge, Begusarai

Ld. Counsel for the Revisionist : Sri Niraj Kumar, Ld. Advocate.

Ld. Counsel for the O.P./State : Sri Santosh Kumar, Ld. P.P. I/c.

Date of Order: **18.10.2025**

ORDER

1. This revision petition has been filed under Section 440 of the B.N.S.S. against the order dated 02.09.2025 passed by Miss Kanchan Rani, Ld. JMFC, Begusarai, whereby the bail petition of the petitioner under Section 437(6) Cr.PC. was rejected. The petitioner contends that since the trial was not concluded within sixty days from the first date fixed for recording evidence, he became entitled to statutory bail.
2. I have heard learned counsel for the revisionist/petitioner and learned Public Prosecutor I/c appearing on behalf of the State, and perused the impugned order passed by the Learned JMFC, Begusarai.
3. Learned counsel for the petitioner argued that the trial court erred both in law and on facts. It was submitted that charges were framed on 25.03.2025 and the first date for recording evidence was fixed on 08.04.2025. Since the trial was not concluded by 08.06.2025 and the petitioner remained in custody, bail should have been granted. It was further submitted that the trial court rejected the bail application without recording reasons, merely noting that three witnesses had been examined. The petitioner's presence was not required during the recording of evidence; thus, the evidence recorded cannot be used against him under Section 273 Cr.PC.

In the Court of Principal Sessions Judge, Begusarai

Present : Sri Rishi Kant

Criminal Revision No. 218 of 2025

Sujit Kumar Vrs. The State of Bihar

Order dated -18.10.2025

-
4. Learned Public Prosecutor I/c opposed the revision, submitting that there is no error in the impugned order and the trial court acted within its discretion.
 5. Before considering the merits, it is observed that the revision has been filed within the prescribed time and is, therefore, timely.
 6. Learned Public Prosecutor also submitted that the impugned order is an interlocutory order, and as such, no revision lies against it. The question is whether an order refusing bail under Section 437(6) Cr.PC. is amenable to scrutiny under revisional jurisdiction, in view of the bar under Section 397(2) Cr.PC.
 7. Section 397(1) Cr.PC. confers wide powers on the High Court and Sessions Court to examine the legality, correctness, and propriety of any order passed by an inferior criminal court. Subsection (2) operates as a check on such powers to ensure that revisions do not delay the fair and expeditious disposal of criminal cases.
 8. A judicial order in a criminal case may be final, intermediate, or interlocutory. Final orders include conviction or acquittal. Interlocutory orders are those passed during trial, such as orders summoning witnesses, adjourning matters, or granting/refusing bail. Section 397(2) Cr.PC. bars revision against such interlocutory orders.
 9. In **K.K. Patel v. State of Gujarat, (2000) 6 SCC 195**, the Hon'ble Supreme Court held that the test to determine whether an order is interlocutory is whether upholding objections would culminate the proceedings. Orders granting or refusing bail do not terminate proceedings and are therefore interlocutory.
 10. In **Girish Kumar Suneja v. CBI, Cr. Appeal No. 1137 of 2017 (SLP CrI. 9503/2016)**, the Supreme Court reiterated that although Section 397(1) confers wide powers, subsection (2) bars revision against

In the Court of Principal Sessions Judge, Begusarai

Present : Sri Rishi Kant

Criminal Revision No. 218 of 2025

Sujit Kumar Vrs. The State of Bihar

Order dated -18.10.2025

interlocutory orders. Only final and some intermediate orders are revisable; interlocutory orders are not.

11. The Apex Court in **Madhu Limaye v. State of Maharashtra, AIR 1978 SC 47, and Amar Nath v. State of Haryana, (1977) 4 SCC 137**, held categorically that orders granting, refusing, or cancelling bail are interlocutory and not revisable. Similarly, in **Mohit @ Sonu v. State of U.P., (2013) 7 SCC 789, and Narendar K. Amin v. State of Gujarat, (2008) 13 SCC 584**, it was observed that superior courts may entertain matters against grant or refusal of bail as appeal, but the proper remedy is to move a fresh bail application under Section 439 or 482 Cr.PC.

12. In **Usmanbhai Dawoodbhai v. State of Gujarat, (1988) 2 SCC 271**, the Apex Court observed that orders granting or refusing bail are interlocutory, with no finality, and bail applications can always be renewed.

13. In view of the above, the present revision petition against the order dated 02.09.2025 refusing bail under Section 437(6) Cr.PC. is barred by Section 397(2) Cr.PC. and is accordingly dismissed as not maintainable.

The revision file be consigned to the record room. A copy of this order be sent to the concerned court for information and record.

Announced in open Court on this 18th October, 2025.

Dictated, Corrected and Signed by me.

Sd/-

(Rishi Kant)

Principal Sessions Judge
Begusarai
18-10-2025

Sd/-

(Rishi Kant)

Principal Sessions Judge
Begusarai
18-10-2025