

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.844 of 2019

Arising Out of PS. Case No.-618 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

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Shamshul Hoda, Son of Late Abdul Gafoor, Resident of Mohalla - Belbanwa,
P.O.- Motihari, P.S.- Motihari Town, District - East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Manir Khan, Son of Abbas Khan, Resident of Mohalla - Paithanpatti, P.S.-
Harsidhi, District - East Champaran.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Sunil Kumar No.III, Advocate Mr. Bijendra Kumar, Advocate Mr. Raki Alam, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP
For the O.P. No.2	:	Mr. Wasi Akhtar, Advocate Mr. Rananjay Kumar, Advocate
Amicus Curiae	:	Mr. Raj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

18 08-07-2025 The present Criminal Revision Petition has been preferred by the Petitioner against the impugned order dated 11.04.2019 passed by learned Additional Sessions Judge-XIIIth East Champaran, Motihari, in Criminal Miscellaneous Case No. 73 of 2018 arising out of Motihari Town P.S. Case No. 618 of 2017, whereby learned Additional Sessions Judge has rejected the petition of the Petitioner seeking cancellation of the bail order dated 25.04.2018 passed by C.J.M. Motihari in Town P.S. Case No. 618 of 2017.

2. Town P.S. Case No. 618 of 2017 was registered against two accused, Baba Khan and Manir Khan on the written



report of the District Sub-Registrar, East Champaran, Motihari, in which there is allegation of alteration/forgery in land records pending in the office of the Sub-Registrar. The case was registered for the offences punishable under Sections 420, 467, 468, 471, 472, 120B and 34 of the Indian Penal Code and in the said case, the accused Manir Khan has been enlarged on regular bail vide order dated 25.04.2018 by learned Magistrate. The bail order was challenged by the Petitioner in the Sessions Court vide Criminal Miscellaneous Case No. 73 of 2018, which has been rejected by learned Sessions Court vide the impugned order. Hence, the Petitioner has preferred the present Criminal Revision Petition.

3. Here, learned APP for the State takes preliminary objection regarding maintainability of the present petition submitting that any order regarding grant of bail or cancellation of bail, is interlocutory in nature and no revision lies against the interlocutory order in view of Section 397(2) of Cr.PC.

4. Learned Amicus Curiae, Shri. Rajkumar, Advocate also submits that the impugned order is interlocutory in nature and no revision lies and the order is also not appealable. Hence, under such circumstances, the Petitioner should have filed petition under Section 482 Cr.PC, invoking inherent jurisdiction



of this Court.

5. Learned counsel for the Petitioner agrees to the submissions advanced by learned APP for the State and learned Amicus Curiae and he is praying for converting the present petition into one under Section 482 Cr.PC.

6. Accordingly, office is directed to convert this petition into one under Section 482 Cr.PC by making necessary correction and list this matter before the Roster Bench with the approval of Hon'ble the Acting Chief Justice.

7. Assistance provided by learned Amicus Curiae is highly appreciated and the Secretary, Patna High Court Legal Services Committee is directed to pay Rs.5,000/- to learned Amicus Curiae towards his honorarium within a month of this order.

8. Send a copy of this order to the Secretary, Patna High Court Legal Services Committee.

(Jitendra Kumar, J.)

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