

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.656 of 2025

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Sandip Kumar son of Late Rajani Kumar Sinha Permanent Address AT AND
Post Hilalpur, P.S.- Industria Area, District- Hajipur At Resident of B 1/5,
Right Side 2nd Floor, Rajauri Garden, West Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sub-Divisional Officer, Hajipur Cum-Sub Divisional Magistrate, Hajipur Bihar
3. The Circle Officer, Hajipur Sadar, Vaishali Bihar
4. Sumit kumar Bhardwaj @ Sumit Kumar son of Resident of ward no. 6, Hilalpur Madarpur, Vaishali

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Ms. Pallavi Lala, Advocate
For the O.P. No.4	:	Ms. Bela Singh, Advocate
For the O.P.-State	:	Ms. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 27-01-2026 Heard the learned counsels for the respective parties.

Re: I.A. No. 01 of 2025

2. The instant interlocutory application has been filed for condoning the delay in filing the present criminal revision petition.

3. Learned counsel for the petitioner submits that the instant criminal revision petition has been filed after delay of 82 days but there is no deliberate delay or laches on part of the petitioner.

4. For the reasons mentioned in the interlocutory application and submission made on behalf of the petitioner,



I.A. No. 01 of 2025 is allowed and the delay in filing the present criminal revision petition is condoned.

Re: Criminal Revision No. 656 of 2025

5. Learned counsel appearing on behalf of opposite party no. 4 submits that the matter has become infructuous as the process under Section 163 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) was initiated way back on 23.08.2024 and vide order dated 07.01.2025, the learned Sub Divisional Magistrate, Vaishali at Hajipur, closed the process observing that the stipulated time period has ended.

6. Learned counsel for the petitioner submits that the order dated 07.01.2025 has been passed without hearing the parties and without assigning any grounds except saying that the stipulated period has ended. Such orders could not be sustained. Learned counsel further submits that the petitioner and the opposite party no. 4 are brothers and though a partition has taken place between three brothers, no partition by metes and bounds has taken place, still, the opposite party no. 4 started constructing a house and encroached upon the land of the petitioner. Thereafter, the petitioner made a complaint before the authorities and the police submitted a representation before the learned Sub Divisional Magistrate, Vaishali at Hajipur for



initiation of a proceeding under Section 163 of BNSS.

Therefore, the order impugned needs interference by this Court.

7. Having regard to the rival submission of the parties and on perusal of record, I find that the proceeding under Section 163 of BNSS was started without recording any reason or satisfaction by the learned SDM about the apprehension of any breach of peace. Further, if any orders were passed, due to transient nature of order, the same would have an effect only till two months and thereafter, it would have lapsed. In the present case, no such order has been passed and it is very surprising that the learned SDM, Vaishali at Hajipur allowed the matter to proceed without passing any effective order and ultimately, closed the chapter holding that the stipulated period has ended. Such orders should be deprecated in strongest terms. However, considering the other aspect of the matter, no useful purpose would be served in continuing the present proceeding, as even if the impugned order is set aside. Considering the transient nature of proceeding under Section 163 BNSS, the petitioner is always at liberty to invoke the jurisdiction of the SDM for redressal of his grievance. At the same time, as already noted, the present proceeding has been initiated without recording any reasons or satisfaction of learned SDM and a proceeding initiated without



existence of grounds showing apprehension of breach of peace,
such proceeding could not come to any fruitful end.

8. Having regard to the aforesaid circumstances, I do
not think this Court needs to interfere with the order dated
07.01.2025 and, accordingly, the present petition is disposed of
granting liberty to the petitioner to take recourse of law in
appropriate proceeding before the appropriate authority, if so
advised.

(Arun Kumar Jha, J)

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