IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12379 of 2019

Arising Out of PS. Case No.-676 Year-2016 Thana- BHAGALPUR COMPLAINT CASE District- Bhagalpur

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Smt. Abhilasha Kumari @ Smt. Abhilash Kumari W/o Kamlesh Kumar Resident of Mohalla Manik Sarkar Chowk near Deepprabha Cinema Hall, Police Station- Adampur, District- Bhagalpur, at present through Abhishek Anand, resident of Mohalla Masakchak, near East Bengal Store, Police Station- Adampur, District- Bhagalpur.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Rani Jha @ Rani Devi W/o Naresh Chandra Jha Resident of Manik Sarkar Chowk near Deep Prabha Cinema Hall, P.S.- Adampur, District- Bhagalpur.
3. Kamlesh Kumar S/o Naresh Chandra Jha Resident of Manik Sarkar Chowk near Deep Prabha Cinema Hall, P.S.- Adampur, District- Bhagalpur.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Manoj Kumar, Adv. Mr. Kshem Sharma, Adv.
For the O.P. No. 2	:	Mr. Ranjan Kr. Jha, Adv.
For the State	:	Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT
Date : 20-08-2026

Heard the parties.

2. The present quashing petition has been preferred to quash the order dated 01.11.2018 passed by the learned Sessions Judge, Bhagalpur in Cr. Rev. No. 104 of 2018, whereby and whereunder the learned Sessions Judge has pleased to set aside the order dated 7.7.2018 passed by the learned Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 676 of

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2016 for the offence under section 498A of IPC and Section 3/4 of D.P. Act whereby and whereunder the learned Magistrate has been pleased to allow the petition dated 05.04.2018 filed on behalf of the petitioner (complainant) Under Section 311 of Cr.P.C.

3. As per crux of this case the reason behind to approach this Court by way of present petition is that the learned trial court at the stage of before charge evidence allowed a petition of recalling of one witness by exercising power under section 311 of Cr.P.C. being aggrieved with said order, the accused/ O.P. No. 2 approached the court of Sessions, where vide order dated 07.07.2018, passed by learned Magistrate, allowing the petition under Section 311 of Cr.P.C. was set aside supplying the reason that order of learned Magistrate was without any reason and it was allowed only after imposing the cost of Rs. 1,000/-.

4. In terms of law as provisioned u/s 397(3) of the Cr.P.C., no second revision petition is maintainable. It is not shown exceptionally that the order passed by Revisional Court is so perverse in view of legal report as available

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through ***Kailash Verma vs. Punjab State Civil Supplies Corporation and Anr. [(2005) 2SCC 571],*** so as to entertain present petition preferred under Section 482 of Cr.P.C.

5. Upon perusal of impugned order it appears that same is very speaking and cannot be said perverse rather it was set aside because the order of learned Magistrate as to allow the petition under Section 311 of the Cr.P.C. was passed without assigning any reason.

6. In view of aforesaid there is no occasion to interfere with impugned order as passed by learned Sessions Judge, Bhagalpur dated 01.11.2018 through Cr. Rev. No. 104 of 2018, accordingly present petition stands dismissed.

7. TCR, if any, be returned to learned trial court alongwith the copy of this judgment.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2026
Transmission Date	21.08.2026

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