

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.741 of 2005

Arising Out of PS.Case No.173 Year- 1993 Thana -null District- SAMASTIPUR

1. Jaijairam Yadav son of Randi Yadav
2. Mahendra Yadav son of Sri Lal Yadav
3. Saryug Sada son of late Parao Sada
4. Gonar Sada son of Gulai Sada of village Mangalgarh, P.S. Hasanpur, Dist. Samastipur
5. Gangadhar Jha son of Arjun Jha
6. Shambhu Jha son of Suresh Jha of village Deodha, P.S. Hasanpur, Dist. Samastipur
7. Prakash Mochi son of Dhanik Mochi
8. Yogesh Yadav son of Sakhi Chandra Yadav, resident of village Dudhpura, P.S. Hasanpur, Dist. Samastipur
9. Sakhi Paswan son of Badri Paswan
10. Atahu Paswan son of Manik Paswan, resident of village Paroria, P.S. Hasanpur, Dist. Samastipur

.... Petitioner/s

Versus

State of Bihar

.... Respondent/s

With

Criminal Revision No. 84 of 2006

Arising Out of PS.Case No. 173 Year- 1993 Thana -null District- SAMASTIPUR

Rajoo Mukhia son of late Janak Mukhia, resident of village Kharaj, P.S. Hasanpur, Dist. Samastipur

.... Petitioner/s

Versus

State of Bihar

.... Respondent/s

Appearance :

(In CR. REV. No. 741 of 2005)

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate

For the Respondent/s : Mr. APP

(In CR. REV. No. 84 of 2006)

For the Petitioner/s : Mr. Subodh Kr.Barnwal, Advocate

For the Respondent/s : Mr. APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

The Petitioners seek revision of the judgment dated

19.3.2002 passed by the 5th Additional Sessions Judge, Samastipur in Criminal Appeal No.4 of 1997, by which he has upheld the judgment dated 3.1.1997 passed by the Judicial Magistrate, 1st class, Rosera, Samastipur in G.R. case No.173 of 1993 (Trial No.245 of 1997).

It has been submitted that even though the Appellate Court had considered the fact that there was bonafide claim over the said land which the Petitioners arrived at Bhudan, he has upheld their conviction under Sections 144, 379 and 447 I.P.C.

In the circumstances of the bonafide claim, none of the penal Sections are attracted.

Having considered the aforesaid, both the revisions are allowed and judgment dated 19.3.2002 passed by the 5th Additional Sessions Judge, Samastipur in Criminal Appeal No.4 of 1997 as also the judgment dated 3.1.1997 passed by the Judicial Magistrate, 1st class, Rosera, Samastipur in G.R. case No.173 of 1993 (Trial No.245 of 1997) are hereby set aside and the Petitioners are discharged from the liabilities of their respective bail bonds.

(Anjana Prakash, J)

Narendra/-

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