

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.96 of 2015

Arising Out of PS.Case No. -23 Year- 2003 Thana -GOH District- AURANGABAD

1. Kishori Singh, S/o Late Bhabhikhan Singh
2. Sohan Singh S/o Late Bhabhikhan Singh
3. Prakash Sharma S/o Kishori Singh
4. Mohan Singh S/o Late Bhabhikhan Singh, 1 to 4 are resident of village - Nagain, P.S. -Goh, District - Aurangabad
5. Mahendra Paswan, S/o Late Sukhdeo Paswan, resident of village - Gopalpur, P.S.- Goh, District - Aurangabad
6. Jattu Paswan S/o Late Sukhdeo Paswan, resident of village - Nagain, P.S. Goh, District - Aurangabad
7. Rajesh Paswan, S/o Mahendra Paswan, resident of village - Gopalpur, P.S.- Goh, District - Aurangabad
8. Sudami Devi, W/o Jattu Paswan, resident of village - Nagain, P.S.-Goh, District - Aurangabad
9. Bedami Devi, W/o Mahendra Paswan, resident of village - Gopalpur, P.S.- Goh, District – Aurangabad
- Appellants

Versus

The State of Bihar Respondent

Appearance :

For the Appellant/s : Mr. Rakesh Singh, Advocate
For the Respondent/s : Mrs. Abha Singh. APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-03-2015

I.A. No. 348 of 2015

This interlocutory application has been filed by the appellants for condoning the delay of two days occurred in filing the criminal appeal under Section 374(2) of the Code of

Criminal Procedure.

On the facts and in the circumstances of the case, the prayer is allowed. The delay of two days caused in filing the appeal is condoned.

Cr. Appeal (SJ) No. 96 of 2015

The appellants after having been held guilty for the offences punishable under Sections 147, 148, 323 read with 149 of the Indian Penal Code in Sessions Trial No. 137/04/81/2014 arising out of Goh P.S. Case No. 23/03 by the learned Additional Sessions Judge-3rd, Aurangabad have been extended benefit of Section 4 of the Probation of Offenders Act, 1958 (hereinafter referred to as “the Act”). They have been directed to execute a personal bond of Rs. 10,000/- (Ten Thousand) with two sureties each for maintaining good behaviour and peace in the society for the period of one year vide judgment and order dated 05.12.2014.

The instant appeal has been filed under Section 374(2) of the Code of Criminal Procedure against the aforesaid judgment and order dated 05.12.2014. In my opinion, this application is misconceived as an appeal would lie under Section 11(2) of the Act against any order made under Section 3 or 4 of the Act.

In view of the special provisions for appeal under the Act, no appeal would lie before this Court under Section 374(2) of the Code of Criminal Procedure.

In that view of the matter, this appeal is dismissed as not maintainable.

(Ashwani Kumar Singh, J.)

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