

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1394 of 2017

Arising Out of PS. Case No.-29 Year-2005 Thana- GARKHA District- Saran

-
-
1. Arvind Kumar Singh @ Arvind Singh, son of Late Makeswar Singh
2. Sukeshwar Singh, son of Late Shiv Parsan Singh
Both residents of village- Mahmadpur, P.S. Garkha, district-Saran

... .. Appellants

Versus

1. The State of Bihar
2. Krishna Singh, son of Late Bhuneshwar Singh
3. Deo Mani @ Deomuni, son of Krishna Singh
4. Raghubans Muni @ Pappu Singh, son of Krishna Singh
1 to 3 residents of village-Mahmadpur, P.S. Garkha, District-Saran
5. Triyogi Nath Singh @ Triyugi Nath Sinha, son of Late Jogeshwar Prasad Singh
6. Sanjeet Kumar @ Babloo son of Triyogi Nath Singh
7. Sanjay Kumar @ Bachan Singh, son of Triyogi Nath Singh
4 to 6 residents of village-Mahmadpur, P.S. Garkha, District-Saran,
presently residents of Mohalla-Sadhnepuri, P.S. Chhapra Town, district-Saran
8. Vijay Kumar Tiwari, son of Surendra Tiwari, resident of village-Khanpur,
P.S. Derni, District-Saran

... .. Respondents

Appearance :

For the Appellant/s : Mr. Anju Kumari @ Anju Narain, Adv.
For the Respondent/s : Mr. Bipin Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

5 13-12-2017 Heard Smt. Anju Kumari @ Anju Narain, learned
counsel for the appellants and Sri Bipin Kumar, learned
Addl.Public Prosecutor.

The present appeal under Section 372 proviso of the
Code of Criminal Procedure has been preferred against the
Judgment of conviction dated 13.06.2017 and sentence



dated 15.06.2017 passed by Sri Shyam Kishore Sah, Fast Track Court no.1, Saran at Chapra in Sessions Trial No.762 of 2006 primarily on the ground that inadequate compensation has been imposed, whereas the informant side had suffered serious injuries. By the said Judgment, learned trial judge has convicted and sentenced the private respondents to undergo rigorous imprisonment for five years and fine of Rs.3000/- each for the offence under Section 307/149 of the Indian Penal Code, rigorous imprisonment for three years and fine of Rs.1000/- each for the offence under Section 27 of the Arms Act and rigorous imprisonment for ten years and fine of Rs.3000/- each for the offence under Sections 3 /4 of the Explosive Substance Act and all the sentences have been directed to run concurrently.

Besides hearing learned counsel for the parties, we have perused the materials available on record. Considering the nature of accusation, Judgment and sentence, which is 10(ten) years rigorous imprisonment and amount of fine for each proved offences, the Court is of the opinion that there is no need for interference in the matter. Accordingly,



Interlocutory Application i.e. I.A. No.2455 of 2017 filed under Section 378(3) of the Code of Criminal Procedure for grant of leave stands rejected. Consequently, the appeal too is dismissed.

(Rakesh Kumar, J)

(Mohit Kumar Shah, J)

nawalkrs/-

U		T	
---	--	---	--

