

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.602 of 2002

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1. Jai Kishoon Singh, S/o late Ram Swaroop Singh
 2. Ram Kishoon Singh, S/o late Saryug Singh
 3. Gautam Singh, S/o Sri Jai Kishun Singh
 4. Birendra Kr. Singh, S/o- Sri Ram Kishoon Singh,
All residents of village Tarwara (Chaudhary Patti) P.S.G.B. Nagar
(Tarwara), Distt.- Siwan
 5. Rajendra Singh, S/o- Sri Hardeo Singh, resident of village Bithuna,
P.S. Basantpur, Distt.- Siwan
 6. Devendra Singh, S/o- Sri Jai Kishoon Singh
 7. Nagendra Singh, S/o- Sri Ram Kishoon Singh, Both are residents of village
Tarwara (Chaudhary Patti), P.S.G.B. Nagar (Tarwara), Distt. Siwan

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr. Z. Hoda, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 25-11-2017

Challenging their conviction ordered by the Presiding Officer, 1st Additional Fast Track Court, Siwan on 9th of October, 2002 in Sessions Trial No.246/88-265/02 sentencing the appellant Nos.1 to 5 to two years' R.I. for the offence under Sections 324, 323, 149 of I.P.C. and appellant Nos.6 and 7 to one year's R.I. for offence under Sections 324/149, 147 and 148 of I.P.C., this appeal by the appellants.

Having heard learned counsel for the parties at length and on going through the record, it is seen that the incident in question took place more than 33 years back on 31.7.1984 and



the place where the incident took place is the field of the appellants. It is the complainant party which had come to take possession of the fields in question which, in view of the orders passed on 14.2.1990 by the Judicial Magistrate, Annexure A/1 and the judgment passed by the 1st Munsif, Siwan in Suit No.240/85, Ext-B and the sale deed, Ext C, executed on 7.3.1983 seems to be and is under the peaceful possession of the accused party. It is a case where with regard to a land dispute a free fight took place in which both the sides have filed case and counter case and both the parties have sustained injuries. That apart, the main architect of the entire offence and the person who is said to have used the firearm is appellant No. Jai Kishoon Singh and appellant No.2 Ram Kishoon Singh and records indicate that both of them have died. As per the death certificate available on record, Ram Kishoon Singh died on 18.9.2011 and Jai Kishoon Singh died on 18.10.2013.

As far as the other appellants are concerned, they have been accused and punished based on omnibus and general statements made and, in the facts and circumstances of the case, when there was a free fight between the parties and the complainant party was aggressor and they had come to the field of the accused persons and the fight happened there, it is a fit case



where now, after such a long period of time, the benefit should be granted to the appellants, the appeal be allowed and the appellants acquitted of the charges levelled against them.

Accordingly, the appeal is allowed and the appellants are acquitted of the charges levelled against them. They are discharged from the liabilities of bail bonds.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
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