

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.191 of 1995

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

- =====
1. Sipahi Singh Yadav (since deceased), son of Tengar Singh Yadav.
2. Bhuti Singh Yadav, son of Tengar Singh Yadav.
3. Narmdeshwar Singh Yadav, son of Sipahi Singh Yadav.
4. Binder Singh Yadav @ Rabindra Singh Yadav, son of Sri Bhuti Singh Yadav @ Ramrup Singh.
All residents of village Rasauli, P.S. Piro, district Bhojpur at Arrah.

..... Appellants

The State of Bihar

Versus

with

..... Respondent

Criminal Appeal (DB) No. 209 of 1995

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

- =====
1. Ram Kishun Singh Yadav, Son of Tengar Singh Yadav.
2. Umesh Singh Yadav, son of Bhuti Singh Yadav.
Both residents of village Rasauli, P.S. Piro, District Bhojpur at Arrah.

..... Appellants

The State of Bihar

Versus

with

..... Respondent

Criminal Appeal (DB) No. 216 of 1995

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

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Devendra Singh Yadav, son of Bhuti Singh Yadav, resident of village Rashauli, P.S. Piro, District Bhojpur at Arrah

..... Appellant

The State of Bihar

Versus

..... Respondent

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Appearance :

(In CR. APP (DB) No.191 of 1995)

For the Appellants : Mr. Bind Keshri Kumar, Sr. Adv.
Mr. Ram Chandra Singh, Adv.
Mr. Jitendra Kumar Singh, Adv.

For the State : Mr. S.C. Mishra, A.P.P.

For the Informant Mr. Sunil Kumar, Adv.



(In CR. APP (DB) No.209 of 1995)

For the Appellants : Mr. Ram Chandra Singh, Adv.
For the State : Mr. Dilip Kumar Sinha, A.P.P.
For the Informant Mr. Sunil Kumar, Adv.

(In CR. APP (DB) No.216 of 1995)

For the Appellants : Mr. Bind Keshri Kumar, Sr. Adv.
Mr. Ram Chandra Singh, Adv.
Mr. Jitendra Kumar Singh, Adv.
For the State : Mr. S.C. Mishra, A.P.P.
For the Informant Mr. Sunil Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

C.A.V. JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date: 31-10-2018.

1. All the above stated appeals have arisen out of common judgment of conviction and sentence order dated 01.07.1995 and 03.07.1995 respectively, passed by learned 9th Additional Sessions Judge, Ara in Sessions Trial No. 45 of 1992 and accordingly, the above stated appeals were heard together and are being disposed of by this common judgment.

2. The appellants, namely, Ram Kishun Singh Yadav and Umesh Singh Yadav of Cr. Appeal (D.B.) No. 209 of 1995 have been convicted for the offence punishable under Section 302 of the Indian Penal Code whereas appellant Devendra Singh Yadav of Cr. Appeal (D.B) No. 216 of 1995 and appellants no. 3 and 4 of Cr. Appeal (D.B.) No. 191 of 1995, namely, Narmdeshwar Singh Yadav and Binder Singh Yadav @ Rabindra Singh Yadav have been



convicted under Section 302 read with Section 149 of the Indian Penal Code and furthermore, appellant no. 1, namely, Sipahi Singh Yadav (since deceased) and appellant no. 2, namely, Bhuti Singh Yadav of Cr. Appeal (D.B.) No. 191 of 1995 have been convicted for the offence punishable under Section 447 of the Indian Penal Code and furthermore, appellants, namely, Ram Kishun Singh Yadav and Umesh Singh Yadav of Cr. Appeal (D.B.) No. 209 of 1995 have been convicted for the offence punishable under Section 304 of the Indian Penal Code and furthermore, appellant Devendra Singh Yadav of Cr. Appeal (D.B.) No. 216 of 1995 and appellant no. 3, namely, Narmdeshwar Singh Yadav and appellant no. 4, namely, Binder Singh Yadav @ Rabindra Singh Yadav of Cr. Appeal (D.B.) No. 191 of 1995 have been convicted for the offence punishable under Section 304 read with 149 of the Indian Penal Code. Furthermore, appellant no. 1, namely, Sipahi Singh Yadav (since deceased) and appellant no. 2, namely, Bhuti Singh Yadav of Cr. Appeal (D.B.) No. 191 of 1995 have been convicted for the offences punishable under Sections 147, 323 and 302 read with Section 149 of the Indian Penal Code. Again, the appellants, namely, Ram Kishun Singh Yadav and Umesh Singh Yadav of Cr. Appeal (D.B.) No. 209 of 1995 have been convicted for the offences punishable under Sections 148, 304, 302/149 of the Indian Penal Code and 27 of the Arms Act and appellant no. 3,



namely, Narmdeshwar Singh Yadav and appellant no. 4, namely, Binder Singh Yadav @ Rabindra Singh Yadav of Cr. Appeal (D.B.) No. 191 of 1995 have been convicted for the offences punishable under Sections 147, 302, 304/149 of the Indian Penal Code and appellant Devendra Singh Yadav of Cr. Appeal (D.B.) No. 216 of 1995 has been convicted for the offences punishable under Sections 148, 302, 304/149 of the Indian Penal Code and 27 of the Arms Act. Further the appellant no. 1, namely, Sipahi Singh Yadav (since deceased) and appellant no. 2, namely, Bhuti Singh Yadav of Cr. Appeal (D.B.) No. 191 of 1995 have been acquitted from the charge framed against them for the offence punishable under Section 447 of the Indian Penal Code. Accordingly, appellant no. 1, namely, Sipahi Singh Yadav and appellant no. 2, namely, Bhuti Singh Yadav of Cr. Appeal (D.B.) No. 191 of 1995 have been sentenced to undergo rigorous imprisonment for life under Section 302 read with Section 149 of the Indian Penal Code and six months rigorous imprisonment each for the offences punishable under Sections 147 and 323 of the Indian Penal Code. The appellants Ram Kishun Singh Yadav and Umesh Singh Yadav of Cr. Appeal (D.B.) No. 209 of 1995 have been sentenced to undergo rigorous imprisonment for life for the offence punishable under Section 302 read with Section 149 of the Indian Penal Code and to undergo rigorous imprisonment for ten years under



