

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Revision No.464 of 2018**

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1. Gopan Dushadh, Son of Chanar Dushadh,
2. Bhimal Dushadh, son of Late Kailash Dushadh
3. Sodhan Dushadh, Son of Ingan Dushadh
4. Most. Jashia wife of late Swaminath Dushadh
5. Arjun Dushadh, son of Kailash Dushadh
6. Rambabu Sah, Son of Late Jaleshwar Sah, All are  
resident of Village- Basdila Police Station- Gopalganj,  
District- Gopalganj (Bihar).

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Gandhi Singh, Son of Late Lalbabu Singh, Resident of  
Village- Sundarpatti Police Station- Gopalganj, District-  
Gopalganj.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Respondent/s : Mr. Sri Madhuranand Jha

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

4    12-07-2018            The petitioners have been convicted under Sections 447, 435, 337 and 511/149 of the Indian Penal Code by the learned Additional Chief Judicial Magistrate, X, Gopalganj in connection with G.R. No. 643 of 1997, arising out of Gopalganj P.S. Case No. 109 of 1997 by judgment and order dated 15.09.2016 and they have been sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs. 5000/- under Section 435 of the Indian Penal Code; rigorous imprisonment for three months and to pay a fine of Rs. 500/- for each of the offences under Sections 447 and



337/511 of the Indian Penal Code. The sentences were directed to run concurrently. Aggrieved by the aforesaid judgment and order of conviction, the petitioners preferred an appeal bearing Cr. Appeal No. 114 of 2016 before the learned District & Sessions Judge, Gopalganj. The Appellate Court issued notice to the informant on steps to be taken by the petitioners. For the petitioners not taking steps for issuance of notice within the stipulated time, the appeal was dismissed. The petitioners never preferred any restoration petition before learned Appellate Court and have approached this Court in revision.

During the pendency of the revision petition, petitioner No. 1/Gopan Dushadh has been arrested.

The revision petition with respect to petitioner No. 1/Gopan Dushadh is, thus maintainable.

The petitioner No. 1/Gopan Dushadh is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, X, Gopalganj in connection with G.R. No. 643 of 1997, arising out of Gopalganj P.S. Case No. 109 of 1997.

So far as the petition with respect to petitioner Nos. 2 to 6 are concerned, the same is not maintainable and it is permitted to be withdrawn. However, they are given liberty



to approach the learned Appellate Court and file restoration petition which shall be considered by the learned Appellate Court, taking into account that petitioners had been prosecuting the appeal on regular basis and because of some fault on the part of the *Pairvikar*, the requisites for issuance of notice could not be filed on time. The petitioner No. 1 shall also file the restoration petition and shall prosecute his appeal in accordance with law.

With the aforesaid observation, the present revision petition is disposed of.

**(Ashutosh Kumar, J)**

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