

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Appeal (SJ) No.508 of 2015**

Arising Out of PS.Case No. -146 Year- 2004 Thana -JHAJHA District- JAMUI

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1. Basant Yadav son of late Baldeo Yadav, resident of village Parasi, P.S Jhajha,
Dist. Jamui,

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar,
Mr. Prabhat Ranjan Singh, Advocates

For the Respondent/s : Mr. Ajay Kumar-1, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**ORAL JUDGMENT****Date: 04-05-2018**

Sole appellant, Basant Yadav has been found guilty for an offence punishable under Section 448 IPC and sentenced to undergo RI for six months, under Section 354 IPC and sentenced to undergo RI for six months, with a further direction to run the sentences concurrently vide judgment of conviction and order of sentence dated 09.07.2015 passed by 4th Additional District and Sessions Judge, Jamui in Sessions Trial No. 304/2008 /136/2014.

2. During course of argument, learned counsel for the appellant has confined his submission only on the question of sentence having been inflicted against the appellant by the learned lower court in the background of admission by way of suggestion given to PW-7, Nago Mahto, brother of the alleged victim, PW-5 (name withheld). To justify such submission, it has been submitted



that from the evidence of I.O, PW-6, it is evident that appellant has got clean antecedent. Furthermore, purposely, intentionally, the case has been filed by way of filing a complaint petition, wherefrom it is apparent that there happens to be fragrance of some sort of animosity in the background of the fact that father-in-law of the alleged victim with whom the victim happens to be on litigating terms, was at the side of the appellant. It has also been submitted that appellant had gone under custody on 26.02.2008 and was bailed out on 24.4.2008 remaining under custody approximately for two months. Furthermore, it has also been submitted that the occurrence is of the year 2003 and the appellant has faced rigour of trial for the last 15 years.

3. The learned Additional PP did not object.

4. In the aforesaid facts and circumstances of the case and further considering the evidence of PW-7, Para-29 wherein he had admitted that there was dispute amongst so alleged victim with the wife of the appellant over fetching water from the hand-pipe, there might be an occasion as well as there also happens to be admission though hesitantly that father-in-law of victim was at the side of appellant with whom, victim is on strained relationship and so, needs interference on the score of sentence while maintaining conviction under both heads, under Section 448 IPC, as well as under Section 354 of the IPC and is modified as period already under gone .



5. Since appellant is on bail, he is discharged from its liability.
6. In terms thereof, the instant appeal is hereby disposed of.

perwez

(Aditya Kumar Trivedi, J)

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