

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.63 of 2020

Arising Out of PS. Case No.-32 Year-1999 Thana- RIVILGANJ District- Saran

1. TARKESHWAR RAI @ DHAN BABU YADAV S/o Lagandeo Rai R/o village- Godana, P.S.- Revilganj, District- Saran at Chapra
2. Lagandeo Rai @ Lagandeo Prasad S/o Late Deoraj Rai R/o village- Godana, P.S.- Revilganj, District- Saran at Chapra
3. Raju Rai S/o Mahangu Rai R/o village- Godana, P.S.- Revilganj, District- Saran at Chapra

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Narendra Kumar, Adv.
For the Respondent/s	:	Mr.Sujit Kumar Singh, APP
For the Informant	:	Mr. Anjani Parashar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-09-2020 Heard the learned counsel for the appellants, Sri Anjani Parashar, the learned counsel for the informant and Sri Sujit Kumar Singh, the learned APP for the State.

The present appeal has been filed by the appellants against the judgment of conviction dated 11.12.2019 and order of sentence dated 17.12.2019 passed by the learned Fast Track Court-I, Saran at Chapra in Sessions Trial No. 292 of 2002, arising out of Revilganj P.S. Case No. 32 of 1999, whereby and whereunder the learned trial



court has been pleased to convict the appellants herein under Sections 307/149 of the Indian Penal Code and has sentenced them to undergo five years rigorous imprisonment as also have imposed a fine of Rs. 10,000/- each under Sections 307/149 of the Indian Penal Code and in default of payment of fine, the appellants have been directed to serve further simple imprisonment for three months.

The learned counsel for the appellants has submitted that there is gross inconsistency in the evidence adduced by the prosecution and the learned trial court, while recording the judgment of conviction, has ignored the inconsistency in the statement of the prosecution witnesses. It is further submitted that as far as the appellants are concerned, even the trial court has not been able to come to a finding that the offence committed by them was grave in nature whereas the gravity of the offence qua the co-convict, namely, Ram Babu Rai, has been found to be serious in nature, hence, graver punishment has been awarded to him. In such view of the matter, it is submitted that the



appellants herein are required to be granted the privilege of bail during the pendency of the appeal inasmuch as they were on bail during the course of the trial.

Per contra, the learned counsel for the informant as also the State have jointly submitted that there is no infirmity in the judgment of conviction and sentence passed by the learned court below, hence, the appellants herein, being convicted, do not deserve any sympathy.

Considering the facts and circumstances of the case, the appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Fast Track Court, I Saran at Chapra in connection with Session Trial No. 292 of 2002, arising out of Revilganj P.S.Case No. 32 of 1999.

List this appeal for hearing in due course.

(Mohit Kumar Shah, J)

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