

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.136 of 2024

Arising Out of PS. Case No.-123 Year-2003 Thana- GOPALPUR District- Bhagalpur

Sanyukta Devi, W/o Late Vakil Mistri, Resident of village Bari Makandpur
PS Gopalpur, Distt. - Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Subhash Mistri, S/o Late Uttam Mistri, R/o vill - Bari Makandpur, P.s. - Gopalpur, Distt. - Bhagalpur
3. Laddu Mistri, S/o Late Ram Bishun Mistri, R/o vill - Bari Makandpur, P.s. - Gopalpur, Distt. - Bhagalpur
4. Rajesh Mistri, S/o Laddu Mistri, R/o vill - Bari Makandpur, P.s. - Gopalpur, Distt. - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pratik Mishra, Advocate Mr.Dilip Kumar, Advocate Mr. Vatsal Vishal, Advocate
For the State	:	Mr.Sujit Kumar Singh, Addl.P.P.
For the Respondent Nos.2to4:	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

6 30-10-2024 Heard learned counsel for the appellant, the

respondent nos.2, 3 and 4 and learned Addl.P.P. for the State on

the point of sentence and compensation.

2. Learned counsel for the appellant submits that the

respondent no.2 has been found guilty of committing offence

punishable under Section 307/34 as well as Section 324 of the

Indian Penal Code (in short ‘IPC’). The respondent nos.3 and 4

have been held guilty for the offence under Section 307/34 IPC.

Inviting the attention of this Court towards the punishment prescribed under Section 307 IPC, learned counsel submits that in the cases where hurt has been caused to the victim, the sentence may be awarded upto life imprisonment. In this case, the respondent nos. 2, 3 and 4 have caused bodily injury to the informant. Respondent nos.2 and 3 had suppressed their criminal antecedents also in the learned trial court. Prayer has been made to award maximum sentence to the respondent nos.2, 3 and 4.

3. On the point of compensation, it is submitted that the appellant is a widow. Her husband (the informant of the present case) has been murdered for which she has lodged Gopalpur P.S. Case No.303 of 2012 against the respondent nos.2, 3 and 4. She has been left in distress without there being any bread earner for the family and presently she is somehow surviving from the earning of her son (PW-2). It is submitted that this Court may consider awarding suitable amount of compensation to the appellant.

4. Learned counsel for the respondent nos.2, 3 and 4 submits that this Court may take a lenient view of the matter considering that the alleged occurrence had taken place on a petty dispute between the parties and while it is the case of the

prosecution that respondent no.2 was armed with a Farsa, respondent nos.3 and 4 were having lathi in their hand only and they had inflicted simple injuries upon the person of the victim. They are carpenters and carry on their business in the village. Learned counsel for the respondent nos.2, 3 and 4 has not pointed out any other mitigating circumstance to this Court.

5. Learned Addl.P.P. for the State submits that this Court may impose suitable sentence and award a reasonable amount of compensation to the victim.

6. Having regard to the aforementioned submissions, considering the fact that the parties had a dispute over attending the *Shradh* ceremony in the family of the informant and then marriage ceremony in the family of the respondents and on this petty issue, they being neighbour had a dispute over which the occurrence took place and further considering that while respondent no.2 was armed with a Farsa attached to a lathi, the respondent nos. 3 and 4 were having lathi in their hand and they had repeatedly assaulted the informant, though the injuries were simple in nature, this Court is of the considered opinion that a sentence of 7 years of rigorous imprisonment to respondent nos.2, 3 and 4 shall meet the ends of justice.

7. On the point of compensation, this Court is of the

view that each of the respondents shall pay a sum of Rs.25,000/- each by way of compensation to the appellant within a period of two months from today.

8. The respondents are already in custody. They shall be shifted to Central Jail, Bhagalpur to serve their sentence.

9. For the offence committed under Section 324 IPC, the respondent no.2 shall undergo a rigorous imprisonment of three years. Both the sentences shall run concurrently.

10. The appeal stands allowed. This order shall form part of the judgment delivered by this Court on 28.10.2024.

11. Let free copy of the judgment and order of this Court be supplied to the respondent nos.2, 3 and 4.

(Rajeev Ranjan Prasad, J)

(Ashok Kumar Pandey, J)

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