

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.571 of 2019

Arising Out of PS. Case No.-153 Year-2007 Thana- LAUKAHA District- Madhubani

1. Sanjay Goit @ Sanjay Kumar Goit And Ors Son Of Hriday Goit Resident Of Village- Goit Parsahi, P.S.- Khutauna, District- Madhubani.
2. Dharmendra Goit @ Waziir Goit Son Of Maheshwar Goit Resident Of Village- Goit Parsahi, P.S.- Khutauna District- Madhubani
3. Anil Goit @ Khalifa Son Of Raj Kumar Goit Resident Of Village- Goit Parsahi, P.S.- Khutauna District- Madhubani
4. Adar Goit Son Of Late Jageshwar Goit Resident Of Village- Goit Parsahi, P.S.- Khutauna District- Madhubani
5. Anil Goit Son Of Jageshwar Goit Resident Of Village- Goit Parsahi, P.S.- Khutauna District- Madhubani
6. Amrendra Goit @ Bhaglu Goit Son Of Late Yogendra Goit Resident Of Village- Goit Parsahi, P.S.- Khutauna District- Madhubani
7. Khag Nath Goit Son Of Kameshwar Goit Resident Of Village- Goit Parsahi, P.S.- Khutauna District- Madhubani
8. Lalan Yadav Son Of Ram Sundar Budhgariya Resident Of Village- Goit Parsahi, P.S.- Khutauna District- Madhubani

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagan Deo Yadav Mr. Udeshya Kumar Yadav
For the Respondent/s	:	Mr. A.M.P. Mehta

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 19-11-2024 Heard the learned counsel for the appellants and the learned APP for the State.

This appeal has been filed for setting aside the judgment of conviction and order of sentence dated 25.01.2019 passed by 2nd Sessions Judge, Madhubani in S. Tr. No. 01 of 2008 arising out of Laukaha P.S. Case No. 153 of 2007 by



which the appellants have been convicted for the offence under Sections 332/149, 225/149, 341/149 and 147 of the Indian Penal Code and have been sentenced to undergo simple imprisonment for one month under Section 341/149 of the Indian Penal Code, simple imprisonment for 1 year under Section 147 of the Indian Penal Code, simple imprisonment for two years and fine of Rs. 1000/- each for offence under Section 225/149 of the Indian Penal Code and further simple imprisonment for 3 months for default of payment of fine and further direction has been given to pay 50 % fine to P.W-1, P.W-2, P.W-3 and P.W-4.

3. Learned counsel for the appellants, at the very outset, does not challenge the judgment of conviction and he limits his argument only on the quantum of sentence.

4. It has been submitted by the learned counsel for the appellant that the appellants have no prior record of conviction and he prays for a lenient view.

5. Learned APP for the State has vehemently opposed the application of the appellants.

6. I have considered the submission of the parties.

7. In the facts of the case, this Court does not interfere in the conviction of the appellants which is upheld, but the sentence awarded to the appellants is modified to the extent to



that of the period already undergone by the appellants. The appellants shall pay fine of Rs. 1000/- each for offence under Section 225/149 of the Indian Penal Code and in default of payment of the aforesaid fine, the appellants shall undergo simple imprisonment for a period of 15 days.

7. If the appellants are not wanted in any other case, they are directed to be released forthwith.

8. Accordingly, this appeal stands partly allowed.

(Sandeep Kumar, J)

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