

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.526 of 2003**

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Bhuneshwar Singh son of late Hira Nand Singh, resident of village-Kasap,
PS-Udwant Nagar, District-Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sumit Shekhar Pandey, Amicus Curiae
For the Respondent/s : Ms.Anita Kumari Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 04-12-2024

1. The appeal is arising out of the judgment and order of sentence in Sessions Trial No. 793 of 1992/Trial No. 1044 of 1992 dated 22.11.2003, on the file of Additional District and Sessions Judge, Fast Track Court III, Bhojpur at Ara, whereby the appellant was convicted and sentenced to undergo rigorous imprisonment for two years for the offence punishable under Section 324 of the Indian Penal Code. It is relevant to mention that the appellant was initially enlarged on provisional bail by the trial court to enable him to file an appeal and later, this Court enlarged the



appellant/Bhuneshwar Singh on bail upon furnishing a personal bond of Rs. 10,000/- (Ten thousand) with two sureties to the like amount each, to the satisfaction of Additional District and Sessions Judge, Fast Track Court III, Bhojpur at Ara in Sessions Trial No. 793/92/Trial No. 1044/92 vide order dated 15.12.2003.

2. The appeal has come up for hearing and as none appeared for the appellant, this Court appointed Mr. Sumit Shekhar Pandey as *Amicus Curiae* to assist the Court, vide order dated 03.07.2024.

3. Heard Shri Sumit Shekhar Pandey, the Learned *Amicus Curiae* and Ms. Anita Kumari Singh, the Learned Additional Public Prosecutor for the State. Perused the record.

4. The brief facts culled out of the *fardbeyan* is that on 28.08.1990 at 4.00 pm (evening) the informant, Rana Pratap Singh along with his nephew, Manoj Singh/PW-1 were irrigating paddy field situated at Jagir Badhar by using water from State Boring. In the meantime, the appellants Bhuneshwar Singh, Ramesh



