

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2361 of 2019**

Arising Out of PS. Case No.-64 Year-2007 Thana- TEKARI District- Gaya

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Pramod Rai @ Pramod Ray S/O Ramashish Rai R/O Village- Chiraili, P.S.-  
Tekari, Distt.- Gaya

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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**Appearance :**

|                     |   |                                 |
|---------------------|---|---------------------------------|
| For the Appellant/s | : | Mr. Manish Kumar No2, Advocate  |
| For the State       | : | Mr. Sujit Kumar Singh, APP      |
| For the informant   | : | Mr. Sunil Kumar Yadav, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

7      18-11-2024                      Heard the learned counsel for the appellant and  
  
learned A.P.P. for the State.

2. The present appeal has been filed against the judgment of conviction and order of sentence dated 23.05.2019 and 25.05.2019 respectively passed in S. Tr. No. 720 of 2007, arising out of Tekari P.S. Case No. 64 of 2007, by which the appellant has been convicted under Section 325 of the Indian Penal Code and he has been directed to undergo rigorous imprisonment for three years with fine of Rs. 5,000/- and in default of payment of fine, he has to undergo further simple imprisonment of three months.

3. As per the prosecution case, on 27.05.2007 at about 9:00 P.M. while the informant was washing his hands after



taking dinner, the appellant, who is the younger brother of the informant, came and threatened him that he will kill him as he had sent him to jail and by saying so, the appellant threw the informant from the terrace, as result of which the informant sustained injuries. Accordingly, the F.I.R. has been lodged by the informant.

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

5. I have considered the submission of the parties. The appellant has undergone the sentence for more than three months.

6. In the facts of the case, this Court does not find any reason to interfere with the conviction of the appellant which is upheld but the sentence to undergo rigorous imprisonment for three years is modified to the period already undergone by the appellant with a fine of Rs 5,000/- for the offence punishable under Section 325 of the Indian Penal Code.

7. Accordingly, this appeal stands partly allowed.

**(Sandeep Kumar, J)**

Kiran/-

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