

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3343 of 2019

Arising Out of PS. Case No.-72 Year-2014 Thana- PURNAHYA District- Sheohar

1. Jageswhwar Thakur Son of Late Saryug Thakur Resident of Village - Piprahi Punarwas, P.S.- Purnahiya, Distt - Sheohar.
2. Ramlal Thakur Son of Late Saryug Thakur Resident of Village - Piprahi Punarwas, P.S.- Purnahiya, Distt - Sheohar.
3. Shyamlal Thakur Son of Jageshwar Thakur Resident of Village - Piprahi Punarwas, P.S.- Purnahiya, Distt - Sheohar.
4. Din Dayal Thakur Son of Jageshwar Thakur Resident of Village - Piprahi Punarwas, P.S.- Purnahiya, Distt - Sheohar.
5. Anutha Thakur Son of Jageshwar Thakur Resident of Village - Piprahi Punarwas, P.S.- Purnahiya, Distt - Sheohar.
6. Neelam Devi @ Nilam Devi Wife of Anutha Thakur Resident of Village - Piprahi Punarwas, P.S.- Purnahiya, Distt - Sheohar.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No.2, Adv
For the Respondent/s : Mr. M. Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 11-11-2024 Heard the parties.

2. The present appeal has been preferred by the appellants against the judgment of conviction and order of sentence dated 27.06.2019 passed by Sri Sanjay Kumar Singh, District and Sessions Judge, Sheohar in Sessions Trial No. 17 of 2015 arising out of Purnahya P.S. Case No. 72 of 2014 whereby and whereunder the appellants have been convicted and sentenced to undergo R.I. for one year for the offence



punishable under Section 323/34 of the IPC and further R.I. for two years with fine of Rs. 1,000/- each for the offence under Section 324 of the IPC and in default of payment of fine, they have to undergo additional imprisonment of one month.

3. Mr. Manish Kumar, learned counsel appearing for the appellants, at the very outset submits that he does not want to press the appeal on merits but wants to argue the case only on sentence. He further submits that this is the first offence committed by the appellants and the sentence awarded to them is excessive.

4. Learned APP has also argued the case and has supported the prosecution case. He has submitted that the sentencing is commensurate with the offence committed by the appellants.

5. I have considered the submissions of the parties.

6. In view of the fact that this is the first offence committed by the appellants, therefore, I am inclined to modify the sentence of the appellants. The conviction of the appellants is not interfered with i.e. their conviction under Section 323 and 324 of the IPC is sustained. Each of them will pay a fine of Rs. 1,000/- under Section 323 and Rs. 1,000/- under Section 324 of the IPC and in default of payment of fine, the appellants will



undergo imprisonment of one month.

7. Accordingly, this appeal stands partly allowed.

(Sandeep Kumar, J)

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