

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.421 of 2019

Arising Out of PS. Case No.-215 Year-2010 Thana- KATEYA District- Gopalganj

-
-
1. Jagarnath Bhagat Late Chokar Bhagat Resident Of Village-Koisa Khurd P.S-Kateya, District-Gopalganj
 2. Parshuram Bhagat Jagarnath Bhagat Resident Of Village-Koisa Khurd P.S-Kateya, District-Gopalganj
 3. Vimala Devi Parshuram Bhagat Resident Of Village-Koisa Khurd P.S-Kateya, District-Gopalganj
 4. Suganti Devi Wife Of- Gangasagar Bhagar Resident Of Village-Koisa Khud

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Bhagat S/O Ramdeo Bhagat R/O Vill.- Koisa Khurd, P.S.- Kateya, Dist.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishani Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Respondent/s	:	Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

12 18-02-2025 Heard the learned counsel for the parties.

2. This appeal is directed against the judgement of conviction dated 19-12-2018 and order of sentence dated 21-12-2018 passed by the Court of Learned Additional District & Session Judge-V, Gopalganj, in connection with Sessions Trial No. 153/2011, Registration No. 109/14, arising out of Kateya P.S. Case No. 215/2010, whereby and where under the appellants named above have been found guilty of the offences punishable under Sections 323, 324, 326/34 of I.P.C. and the



Court below sentenced the appellants to undergo S.I. for one year for the offences U/S 323/34 of I.P.C., S.I. for three years for the offences U/S 324/34 of I.P.C. and R.I. for five years for the offences U/S 326/34 of I.P.C and also to pay a fine of Rs. 10,000/-(Rs. Ten Thousand). Further, in case of default of Payment of fine, the appellants shall undergo for an additional period of S.I. for 6 Months. All the sentences shall run concurrently.

3. Though notice was issued to the respondent no. 02 vide order dated 21.11.2024 but despite valid service of notice, the respondent no. 02 chosen not to appear.

4. At the very outset, learned counsel for the appellants has submitted that he doesn't want to press this appeal on merits. He limits his argument only on the quantum of sentence. He further submits that he prays for a lenient view. The appellants have remained in custody for more than three years.

5. I have heard the learned counsel for the appellants on the quantum of sentence as well as the learned APP for the State.

6. Considering the nature of injuries sustained by the injured and also 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 under Section 326/34 of the Indian Penal Code to undergo R.I. for five years is modified to rigorous imprisonment for 3 years.

7. Rest of the sentences are not being modified meaning thereby that the conviction of the appellants remains unchanged. The fine imposed upon the appellants shall remain unchanged.

8. The appellants are directed to undergo rigorous imprisonment for three years.

9. If the appellants have already undergone rigorous imprisonment for a period of three years including the period of remission etc., and if they are not wanted in any other case, they are directed to be released forthwith.

10. Accordingly, this appeal stands partly allowed.

(Sandeep Kumar, J)

Shishir/-

U		T	
---	--	---	--

