

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.377 of 2019

Arising Out of PS. Case No.-233 Year-2013 Thana- BARAULI District- Gopalganj

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1. BIRENDRA SAH Son of Late Kanchan Sah Resident of Village-Rupanchhaap, P.S.-Barouli, District -Gopalganj
 2. Sarvanand Sah Son of Late Kanchan Sah Resident of Village-Rupanchhaap, P.S.-Barouli, District -Gopalganj
 3. Gajendra Sah Son of Sarvanand Sah Resident of Village-Rupanchhaap, P.S.-Barouli, District -Gopalganj
 4. Panmati Devi Wife of Birendra Sah Resident of Village-Rupanchhaap, P.S.-Barouli, District -Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar Pandey No.5 Mr. Sudhanshu Kumar
For the State	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

10 09-01-2025 Heard learned counsel for the appellants and the learned Special P.P. appearing on behalf of the State.

2. This application has been preferred against the judgment dated 07.12.2018 and sentence dated 07.12.2018 passed by the Additional Sessions Judge - I cum Special Judge Under SC/ST Act, Gopalganj in Trial No. 49/2014 (arising out of Barauli PS Case no 233/2013) whereby and where under the aforesaid Court has :-

a. Convicted the Appellants for the offences under Section 504 and Section 506 of the Indian Penal Code.

b. Acquitted the Appellants for the offences punishable under Section 448 and Section 427 of the Indian



Penal Code as well as Section 3 (i) (x), 3 (i) (iv) and 3 (i) (v) of Schedule Cast and Schedule Tribe (Prevention of atrocity) Act.

c. and thereafter, sentenced the Appellants for the Rigorous Imprisonment for One Year under Section 504 of the Indian Penal Code.

d. And further sentenced the Appellants for Rigorous Imprisonment of One Year under Section 506 of the Indian Penal Code.

e. Both the sentences were made to run concurrently.

3. Vide order dated 25.11.2024, a report has been called for from the Superintendent of Police, Gopalganj which has been received. The police have verified the factum of death of the appellant No. 2 and appellant No. 4

4. In view of the above, the appeal with regard to the appellant No. 2 (Sarvanand Sah) and appellant No. 4 (Panmati Devi) has abated.

5. The appeal on behalf of the appellant No. 2 (Sarvanand Sah) and the appellant No. 4 (Panmati Devi) is dismissed as abated.

6. Learned counsel for the appellants has limited his argument to the punishment and has not challenged the conviction of the appellants No. 1 and 3. Both the appellants



have been convicted under Sections 504 and 506 of the Indian Penal Code to undergo imprisonment of one year under both sections. The sentences have been directed to run concurrently.

7. In the impugned judgment itself, there is a finding by the trial Judge that there is a *bonafide* land dispute between the parties and considering the same, I am of the view that justice shall be served if the sentence awarded to the appellants No. 1 and 3 is modified.

8. Considering the fact of the case, the sentence of the appellant No. 1 (Birendra Sah) and the appellant No. 3 (Gajendra Sah) is modified. They are directed to pay a fine of Rs. 1500/- (One Thousand Five Hundred) only under Section 504 and Section 506 of the Indian Penal Code i.e. each of the appellant shall pay a fine of Rupees One Thousand Five Hundred only.

9. In view of the above discussions, this application is partly allowed.

10. The L.C.R. is directed to be returned to the concerned lower Court forthwith.

(Sandeep Kumar, J)

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