

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.645 of 2019

Arising Out of PS. Case No.-53 Year-2009 Thana- SANDESH District- Bhojpur

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1. YOGENDRA NONIA AND ORS Son of Late Aklu Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.
 2. Ramendra Nonia Son of Late Aklu Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.
 3. Surendra Nonia Son of Late Aklu Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.
 4. Shankar Nonia Son of Yogendra Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.
 5. Lallu Nonia Son of Satyanarayan Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.
 6. Satyanarayan Nonia Son of Late Mamila Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.
 7. Ranjay Nonia @ Ranjan Nonia Son of Nagina Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.
 8. Sanjay Nonia Son of Nagina Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.
 9. Urmila Devi Daughter of Nagina Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.
 10. Chintamuni Wife of Late Aklu Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.
 11. Tetri Devi Daughter of Late Aklu Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.
 12. Bater Nonia Son of Late Mamila Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.
 13. Nagina Nonia Son of Late Mamila Nonia Resident of village - Pandura, P.S. Sandesh District - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shivam Singh, Adv. Mr. Binod Kumar Singh, Adv.
For the Respondent/s	:	Mr. Zeyaul Hoda
For the State	:	Mr. A.M.P. Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR



ORAL ORDER

8 20-01-2025 Heard the parties.

2. The present appeal has been preferred for setting aside the judgment and order of conviction and sentence dated 11.01.2019 passed in S.Tr. No. 208 of 2011 passed by learned VIth-Additional Sessions Judge, Bhojpur at Ara by which the learned Additional Sessions Judge, Bhojpur at Ara has convicted and sentenced the appellants for one month of simple imprisonment under Section 341/34 of the Indian Penal Code and have also convicted the appellants under Sections 323/34 of the Indian Penal Code for a period of one year.

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

4. It has been submitted by the learned counsel for the appellants that appellants have convicted in this case because of quarrel between the children and there is no history of previous conviction against the appellants and therefore he prays for a lenient view.

5. Learned APP for the State has vehemently opposed the application of the appellants.

6. I have considered the submission of the parties.

7. In the facts of the case, this Court does not



interfere in the conviction of the appellants which is upheld, but the conviction of the appellants under Section 323/34 of the Indian Penal Code is modified and the appellants are directed to deposit a fine of Rs. 1000 each in the Court below and the conviction of the appellants under Section 341/34 of the Indian Penal Code is also modified to a fine of Rs. 500/- each. In case the fine is not paid, the appellants will have to undergo simple imprisonment for a period of one month.

8. The Fine shall be deposited in the Court below and the same shall be released in favour of the informant if the informant appears and files an application regarding the same.

9. Accordingly, this appeal stands partly allowed.

10. The appellants are discharged from the liabilities of the bail bonds.

11. The LCR is directed to be sent back to the concerned Court below.

(Sandeep Kumar, J)

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