

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.52 of 2019

Arising Out of PS. Case No.-224 Year-2011 Thana- KHARIK District- Bhagalpur

Pappu Yadav Son of Madan Mohan Yadav, Resident of Village - Dorhiya,
P.S.- Kharik, District - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate
For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

15 14-07-2025 The present Criminal Revision petition has been preferred against the impugned judgment and order of sentence dated 29.09.2018, passed by learned Additional Sessions Judge-II, Naugachia, Bhagalpur in Cr. Appeal No. 136 of 2013, whereby learned Appellate Court has upheld the judgment of conviction and order of sentence dated 20.09.2013, whereby the petitioner was found guilty under Section 25(1-B)a of the Arms Act and he was sentenced to Simple Imprisonment for 3 years and fine of Rs.5,000/- and in default to pay the fine, additional Simple Imprisonment for 2 months.

2. Learned counsel for the petitioner submits that in this case, the petitioner has remained in custody from 26.10.2011 to 22.05.2019 i.e. about 7 years and 7 months, because he was not released either during trial or during



pendency of the Criminal Appeal. He was directed to be enlarged on bail vide order dated 07.05.2019 passed by this Court in this revision petition and hence, he was released on 22.05.2019, as per Trial Court Record.

3. He further submits that in view of the aforesaid facts and circumstances, it clearly transpires that the petitioner has been kept in illegal confinement for about 4 years and 5 months. It was the duty of the Trial Court as well as the Appellate Court and the Jail Superintendent to see that petitioner does not remain in custody for more than the maximum period of 3 years and 2 months as per sentence. But the State instrumentalities have failed to protect the fundamental right of the petitioner to life and liberty, without any legal sanction.

4. Hence, the poor petitioner who is hardly educated is entitled to get compensation for violation of his fundamental right to life and liberty as provided under Article 21 of the Constitution of India.

5. Learned APP for the State also fairly concedes that as per the Trial Court Record, the petitioner has remained in custody for more than what was required in terms of the sentence. As per the sentence imposed against him, he was



required to be in custody only for the maximum period of 3 years and 2 months, but he has remained in custody for about 7 years and 7 months on account of failure of the Trial Court, Appellate Court as well as Jail Superintendent to release him after serving of total sentence by him. Hence, for violation of fundamental rights, the petitioner may be adequately compensated.

6. I considered the submission of both the parties and perused the material on record.

7. It clearly transpires from the record that as per sentence, the petitioner was required to be in custody for maximum period for 3 years and 2 months, but he has been kept in custody for about 7 years and 7 months from 26.10.2011 to 22.05.2019. It is shocking to judicial conscience. It appears that on account of illiteracy and poverty, the petitioner could not take step to get himself released by moving appropriate applications. It was the duty of the Trial Court as well as the Appellate Court and the Jail Superintendent to see that petitioner does not remain in custody for more than what was required under law. It is a clear case of violation of fundamental right of the poor petitioner by the State instrumentalities. Hence, he deserves to be compensated.



8. Accordingly, District Magistrate, Bhagalpur is directed to pay Rs.3,00,000/- (Rupees Three Lakh only) to the petitioner towards compensation for violation of his fundamental rights.

9. At this stage, learned counsel for the petitioner submits that now there is no point to proceed with the present revision petition. It has become infructuous.

10. Accordingly, the present petition is disposed of with the direction to the District Magistrate, Bhagalpur as above.

11. Send a copy of this order to the District Magistrate, Bhagalpur for his information and needful.

12. Let the Trial Court Record be sent back to the Court below forthwith along with a copy of this order.

(Jitendra Kumar, J.)

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