

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.510 of 2022

Arising Out of PS. Case No.-142 Year-2003 Thana- RUNISAIDPUR District- Sitamarhi

1. Baikunth Rai, Son of Late Raja Rai R/o Vill- Sugridih, P.s- Runnisaidpur, Dist- Sitamarhi
2. Awadhesh Rai @ Awadhesh Pd. Yadav, Son of Devi Lal Rai R/o Vill- Sugridih, P.s- Runnisaidpur, Dist- Sitamarhi
3. Uma Rai @ Uma Pd. Yadav, Son of Late Raja Rai, R/o Vill- Sugridih, P.s- Runnisaidpur, Dist- Sitamarhi
4. Surin Rai @ Sirin Rai @ Surendra Rai, Son of Late Siya Ram Rai R/o Vill- Sugridih, P.s- Runnisaidpur, Dist- Sitamarhi
5. Arvind Rai @ Arvind Kumar, Son of Late Siya Ram Rai R/o Vill- Sugridih, P.s- Runnisaidpur, Dist- Sitamarhi
6. Rabindra Rai, Son of Devilal Rai R/o Vill- Sugridih, P.s- Runnisaidpur, Dist- Sitamarhi
7. Biren Rai @ Birendra Rai, Son of late Siya Ram Rai, R/o Vill- Sugridih, P.s- Runnisaidpur, Dist- Sitamarhi
8. Shambhu Rai @ Shambhu Prasad, Son of Late Sita Ram Rai R/o Vill- Sugridih, P.s- Runnisaidpur, Dist- Sitamarhi

... .. Petitioners

Versus

1. The State of Bihar
2. Vijay Rai, Son of Kailash Rai, R/V- Sugridih, P.S- Runisaidpur, Dist- Sitamarhi.

... .. Respondents

with

CRIMINAL REVISION No. 416 of 2022

Arising Out of PS. Case No.-142 Year-2003 Thana- RUNISAIDPUR District- Sitamarhi

1. Subhas Rai @ Subhash Prasad Yadav @ Subhash Prasad, Son Of Late Satyadev Prasad Yadav, R/O Village- Sugridih, Chak Sambhuwa, P.S.- Mahindawara, District- Sitmarhi.
2. Rajesh Rai @ Rajesh Raushan, Son Of Subhas Rai @ Subhash Prasad Yadav, R/O Village- Sugridih, Chak Sambhuwa, P.S.- Mahindawara, District- Sitmarhi.

... .. Petitioners

Versus

1. The State of Bihar
2. Vijay Rai, Son of Kailash Rai, R/O Village- Sugridih, Chak Sambhuwa, P.S.- Mahindawara, District- Sitmarhi.



... .. Respondents

Appearance :

(In CRIMINAL REVISION No. 510 of 2022)

For the Petitioner/s : Mr. Udit Narayann Singh, Advocate

For the Respondent/s : Mr. Ramchandra Sahni, APP

(In CRIMINAL REVISION No. 416 of 2022)

For the Petitioners : Mr. Ashok Kumar Singh, Advocate

Mr. Abhishek Kumar, Advocate

For the State : Mr. Binod Kumar, APP

For the Informant : Mr. Nawal Kishor Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT****Date : 04-08-2025**

Both the Criminal Revision Petitions arise out of the impugned judgment dated 31.01.2022 passed by learned Additional Sessions Judge-X, Sitamarhi, in Criminal Appeal No. 116 of 2015, whereby learned Appellate Court below upheld the judgment of conviction and order of sentence dated 21.11.2015 passed by learned A.C.J.M-VI, Sitamarhi, in G.R. No. 1060 of 2003 bearing Trial No.389 of 2015, whereby learned A.C.J.M. had found all the Petitioners guilty under Section 147, 323, 427, 379 read with Section 149 IPC and all of them have been sentenced to the imprisonment for one year under Section 147 and 323 IPC, and six months under Section 427 IPC and R.I. for two years under Section 379 IPC. They have been also sentenced to pay fine of Rs.2,000/- which is payable to the informant and in case of default to pay the fine, they have been directed to undergo Additional S.I. for one



month.

2. In both the revision petitions, the Petitioners have challenged the conviction and the quantum of sentence. However, during the course of hearing, learned counsel for the Petitioners confined his submission only to the quantum of sentence, saying that in view of the facts and circumstances, the Petitioners should have been given benefit of Section 4 of the Probation of Offenders Act, because the sentence is lower than three years.

3. However, learned counsel for the informant/victim submits that they may be given benefit of Probation of Offenders Act, but they must be directed to pay adequate compensation because one pumping set has been stolen by the Petitioners which costs Rs.14,800/-

4. Considering the aforesaid facts and circumstances and in view of Section 4 of the Probation of Offenders Act, 1958, the Petitioners are given benefit of Section 4 of the Act. The sentence awarded against the Petitioners is set aside directing them to be released on their entering into a bond with one surety to appear and receive sentence when called upon during one year and in the meantime, they are directed to maintain peace and good



behavior.

5. However, under Section 5 of the Probation of Offenders Act, the Petitioners are also directed to pay compensation of rupees twenty thousands to the informant/victim. This amount will be payable by all the Petitioners by way of paying rupees two thousands each by way of cash or bank draft to the informant at the time of furnishing surety bond.

6. Both the petitions stand disposed of, accordingly.

7. LCR be sent back to the concerned Court forthwith.

(Jitendra Kumar, J.)

Chandan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	05.08.2025
Transmission Date	05.08.2025

