IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.130 of 2020

CNR No. BRHC010044342020

Arising Out of PS. Case No.-102 Year-2001 Thana- BIRPUR District- Supaul

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1. GULAI PASWAN Son of Late Bikan Paswan Resident of Village - Kasikapur (Banelipatti), P.S.- Birpur, Dist.- Supaul.
2. Shivlal paswan Son of Late Bikan paswan Resident of Village - Kasikapur (Banelipatti), P.S.- Birpur, Dist.- Supaul.
3. Shambhu Paswan Son of Harikishun Paswan Resident of Village - Kasikapur (Banelipatti), P.S.- Birpur, Dist.- Supaul.

... ... Appellant/s

Versus

The State of Bihar

... ... Respondent/s

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Appearance :
For the Appellants : Mr. Arun, Advocate
For the State : Mr. Syed Ashfaque Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

Date : 27-10-2026

Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.

2. The present appeal has been preferred against the judgment of conviction and the order of sentence dated 19.11.2019 passed by the learned Additional District and Sessions Judge-III, Supaul, in Sessions Trial No. 143 of 2002, arising out of Birpur P.S. Case No. 102 of 2001, whereby the appellants, above named, have been convicted under Section 308 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for three years each and to pay a fine of Rs. 10,000/- each and in case of default of payment of fine, to

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further undergo simple imprisonment for one month.

3. The prosecution case, in brief, is that on 23.11.2001, at about 4:00 P.M., the informant, namely Shravan Paswan, was cultivating garlic in his field when a dispute arose between the parties in connection with grazing of cattle and damage to the crop. It is alleged that, during the altercation, the appellants and other accused persons assaulted the informant and his family members with *lathis* and other weapons, including a *farsa*. The informant sustained injuries and was taken for medical treatment. On the basis of the informant's statement, the police registered the case and, after investigation, submitted charge-sheet against the accused persons.

4. During trial, the prosecution examined ten witnesses in support of its case. P.W. 1, namely Shravan Paswan, is the informant and an injured witness. He supported the prosecution version regarding the dispute over the crop and the assault by the accused persons. P.W. 2, namely Ramvriksh Paswan; P.W. 3, namely Bhuneshwar Paswan; P.W. 4, namely Bechu Paswan; P.W. 5, namely Vidyanand Paswan; P.W. 6, namely Dulari Devi; P.W. 7, namely Raghubir Paswan; P.W. 8, namely Jagati Devi and P.W. 9, namely Dharmendra Kumar Paswan, have corroborated the prosecution version on material aspects. Although there are certain variations in the depositions

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of the witnesses regarding the details of the occurrence and the individual acts attributed to the accused persons, the witnesses have generally supported the allegation that an altercation arising out of the dispute over the agricultural field culminated in an assault. P.W. 10, namely Dr. Sachchidanand Ram, is the medical officer who examined the injured persons. His evidence refers to the injuries sustained by the injured witnesses, including lacerated wounds and other injuries. The medical evidence, as discussed by the learned trial court, supports the fact that the injured persons had sustained injuries in the occurrence.

5. The defence of the appellants, as emerging from the record, is that the parties were involved in a land dispute and that the criminal case was instituted on account of the said dispute. The defence also sought to highlight inconsistencies in the prosecution evidence regarding the manner of occurrence and the specific role of the accused persons. No oral or documentary evidence was adduced on behalf of the defence.

6. After hearing the parties, the learned trial court convicted the appellants and sentenced them, as indicated in the opening paragraph of this judgment.

7. Learned counsel for the appellants has submitted that the parties are related and that the occurrence arose out of a

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dispute concerning agricultural land and damage to crops. It is further submitted that the prosecution witnesses have made certain inconsistent statements regarding the manner of occurrence and the role attributed to the individual accused persons. Learned counsel has also drawn attention to the discrepancies in the evidence and submitted that the prosecution case ought to be considered with caution in view of the existing land dispute.

8. Learned Additional Public Prosecutor for the State, on the other hand, has opposed the appeal and submitted that the evidence of the injured informant is supported by the other prosecution witnesses and by the medical evidence. It is contended that the learned trial court has duly considered the evidence and has rightly convicted the appellants under Section 308 of the Indian Penal Code.

9. Having considered the rival submissions and from perusal of the materials available on record, it is evident from the evidence discussed by the learned trial court that the occurrence took place in the background of a dispute over the agricultural field and the grazing of cattle. The informant and other witnesses have supported the allegation of assault and the medical evidence establishes that injuries were sustained by the injured persons. The existence of a land dispute between the

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parties, by itself, is not sufficient to discard the prosecution case, particularly when the occurrence of an assault is supported by the oral as well as medical evidence. The discrepancies highlighted by the defence have to be considered in the context of the evidence as a whole. Minor variations regarding the sequence of events or the precise role of each participant do not necessarily render the entire prosecution case unreliable.

10. On an overall consideration of the material available on record, this Court finds no sufficient ground to interfere with the finding of guilt recorded against the appellants under Section 308 of the Indian Penal Code. The conviction of the appellants is, accordingly, affirmed.

11. So far as the sentence is concerned, the appellants have been sentenced to rigorous imprisonment for three years each, along with a fine of Rs. 10,000/- each. Having regard to the nature and circumstances of the occurrence, the fact that the dispute arose out of a conflict concerning agricultural land and the evidence available on record, this Court is of the view that the ends of justice would be served by modifying the substantive sentence of imprisonment to the period already undergone by the appellants.

12. Accordingly, the judgment of conviction dated 19.11.2019 passed by the learned Additional District and

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Sessions Judge-III, Supaul in Sessions Trial No. 143 of 2002, arising out of Birpur P.S. Case No. 102 of 2001 convicting the appellants under Section 308 of the Indian Penal Code, is hereby affirmed. The sentence of substantive imprisonment imposed upon each appellant is modified to the period already undergone by them. The appellants, above named, are discharged from the liability of their bail bonds in connection with this case and the fine, if already deposited by the appellants, shall remain deposited and in case the same has not been deposited, the appellants shall not be required to deposit the same.

13. Accordingly, this appeal stands disposed of.

14. Interlocutory application(s), if any, also stand disposed of.

(Prabhat Kumar Singh, J)

shashank/-

AFR/NAFR	AFR
CAV DATE	NA
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