

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.207 of 2025

Arising Out of PS. Case No.-65 Year-2002 Thana- WARISNAGAR District- Samastipur

1. Ram Bilas Singh Son of Late Bhavichan Singh Resident of Village - Satmalpur, P.S. - Waris Nagar, District - Samastipur
2. Bablu Singh @ Divya Jyoti Kumar Son of Sri Ram Bilash Singh Resident of Village - Satmalpur, P.S. - Waris Nagar, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Avtar Singh S/o- Late Bhanichhan Mahto @ Bhanichhan Singh Resident of Village - Satmalpur, P.S. - Waris Nagar, District - Samastipur

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Ms. Megha, Advocate Mr. Priyajeet Pandey, Advocate Mr. Kaustubh Kumar, Advocate Mr. Lakshmindra Kumar Yadav, Advocate
For the State	:	Mr. Nityanand, APP
For the O.P. No. 2	:	Mr. Satish Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 03-02-2026

Heard the learned counsels for the respective parties
and perused the record.

2. The present criminal revision petition has been preferred against the judgment and order dated 24.01.2025 passed by the learned Additional Sessions Judge-IX, Samastipur in Criminal Appeal No. 39 of 2016 (CIS No. 39 of 2016), whereby and whereunder the judgment/order dated 24.05.2016 passed by the learned Additional Chief Judicial Magistrate-VI, Samastipur has been affirmed and also against the judgment of conviction and order of sentence dated 24.05.2016 passed in



G.R. no. 765 of 2012 (Tr. No. 1945/16) by the learned ACJM-VI, Samastipur, in which the petitioners Ram Bilash Singh and Bablu Singh were ordered to undergo simple imprisonment of one year for the offence punishable under Section 323 of the Indian Penal Code, simple imprisonment of one month for the offence under Section 341 of IPC and simple imprisonment of three months for the offence under Section 447 of IPC. Further, the petitioner, Bablu Singh, has also been convicted for the offence under Section 324 of IPC and sentenced to undergo simple imprisonment of two years.

3. Briefly stated, the facts of the case are that the opposite party no. 2 is the informant of Warisnagar P.S. Case No. 65 of 2002 which was registered on the basis of *fardbeyan* of opposite party no. 2/informant, Ram Avtar Singh. The informant alleged that petitioner no. 1, who is the brother of informant, came to his doors and there was verbal exchange between them with regard to partition. The petitioner no. 1 got infuriated during this talk and ordered to kill the informant. Thereafter, petitioner no. 2 inflicted a *farsa* blow upon the head of the informant due to which he got injured and fell down. Thereafter, the petitioners and co-accused persons assaulted him. On the basis of *fardbeyan* of the informant/opposite party no. 2, aforesaid case was registered under Sections 341, 323, 324, 447,



307/34 of IPC against the petitioners and other co-accused persons. After investigation, charge-sheet was submitted for the offences under Sections 323, 341, 324, 447/34 of IPC against the petitioners and other co-accused persons. Thereafter, cognizance was taken for the offences under Sections 323, 341, 324, 447/34 of IPC by the learned Chief Judicial Magistrate, Samastipur against the accused persons. Charges were framed under Sections 323, 341 and 447 of IPC against the petitioners and co-accused and after trial, the petitioners and co-accused were held guilty for the charges under Sections 323, 341 and 447 of IPC and the petitioner, Bablu Singh, was further held guilty for the charge under Section 324 of IPC. Thereafter, the convicts petitioners and co-accused Pappu Singh were ordered to undergo simple imprisonment of one year for the offence punishable under Section 323 of the IPC, simple imprisonment of one month for the offence punishable under Section 341 of the IPC and simple imprisonment of three months for the offence under Sections 447 of the IPC. Apart from that, petitioner, Bablu Singh, was also ordered to undergo simple imprisonment of two years for the offence punishable under Sections 324 of the IPC. All the sentences were directed to run concurrently. The petitioners preferred appeal against the said order but the learned appellate court, after giving opportunity of hearing to the parties,



vide judgment/order dated 24.01.2025, affirmed the judgment of conviction and order of sentence dated 24.05.2016 passed by the learned ACJM-VI, Samastipur and dismissed the appeal. Aggrieved by these two judgments/orders, the petitioners have preferred the instant criminal revision.

4. Learned counsel for the petitioners submits that petitioners have been convicted and sentenced against the facts on record and, therefore, the impugned orders are bad in law as well as on facts. The learned trial court as well as learned appellate court have failed to appreciate the material facts as there was ample evidence and material available on record to show the innocence of the petitioners. Both the courts below failed to take into consideration the admitted land dispute between the parties and their old enmity on this account. The learned District Courts did not consider the fact that at the time of occurrence petitioner no. 2 was only 21 years old and ought to have given benefit of probation under Section 360 of Cr.P.C.. The learned District Courts further failed to appreciate the material and evidence on record and ignored the contradictions and lacunae in the evidence of prosecution which make the prosecution case very doubtful and benefit of doubt should have gone to the petitioners. The learned trial court as the learned appellate court did not even consider the fact that the occurrence



is stated to be of year 2002 and the impugned judgments/orders have been passed in the years 2016 and 2025, respectively, and therefore, the quantum of punishment is too hard and excessive.

5. Learned counsel further submits that the conviction of petitioner no. 2 is based on the injury stated to be caused by him with *farsa* on the victim. But, the doctor during cross-examination admitted that he did not mention the colour of injury and also stated that injury no. 1 could have been caused by shaving blade, if a person takes risk, and also observed that the injury of *farsa* could not be such small. Still, the learned District Courts did not take into consideration this material facts and hence, the judgments/orders impugned are erroneous. Therefore, the petition needs to be allowed and judgments of conviction and orders of sentence are liable to be set aside.

6. Learned APP for the State as well as learned counsel appearing on behalf of opposite party no. 2 vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the opposite party no. 2/informant submits that there is no infirmity in the impugned orders and the same are right and correct. The learned trial court as well as the learned appellate court have considered all the evidence in minutes details and discussed each and every fact and circumstance. Learned counsel further submits that the witnesses



have supported the prosecution case and this fact was taken note of by the District Courts. The learned trial court has also discussed in its judgment about ocular evidence and medical evidence corroborating each other. Therefore, there is no illegality, infirmity or impropriety in the impugned judgment/orders and the present revision petition is liable to be dismissed.

7. I have given my thoughtful consideration to the rival submission of the parties and perused the record.

8. There is concurrent findings of two courts which are under challenge before this Court. To interfere with the two concurrent findings, the petitioners are required to show some manifest illegality or perversity which is apparent from the record or some material irregularity or impropriety in passing the impugned orders. But, except for assailing the judgments/orders on facts which have already been examined in details by the two courts, nothing of interest has been brought to the notice of this Court. If the petitioners claimed that the occurrence took place in the background of land dispute or they have been falsely implicated, it is to be kept in mind that such defence is a double edged weapon and it cuts both ways. Even if the occurrence happened over land dispute, the present case cannot be said to be false only on account of some land dispute.



9. Further, there is concurrent findings of two courts on facts and the same could not be lightly interfered with. To interfere with such findings, the petitioners were supposed to show some material which ought to have been apparent on face of record but no such material has been brought to the notice of this Court. Another aspect is about overlooking of evidence of doctor. But I find this submission of learned counsel for the petitioner is not correct as this aspect was also considered by the learned trial court and affirmed by the learned appellate court. It has also come on record that even in an earlier case between the parties, the petitioners and other co-accused were convicted under Section 323 of the IPC and they were let off after admonition and this was the second occurrence by the petitioners and co-accused person.

10. Therefore, on merit, I do not find much substance in the submission of the learned counsel for the petitioners so as to interfere with the impugned judgments/orders.

11. However, during argument, it has been submitted on behalf of the petitioners that petitioner no. 1 has already served maximum part of the sentence awarded to him as he is in custody since 12.03.2025 and the petitioner no. 2 is also in custody since 12.03.2025, though he has been sentenced to undergo simple imprisonment of two years for the offence



punishable under Sections 324 of IPC. Considering the fact that it is a protracted trial since 2002 and the petitioner no. 1 is stated to be aged about 72 years and the occurrence is stated to have taken place when the petitioner no. 2 was only 21 years old, hence, this Court thinks it fit and proper that the sentence of the petitioners could be tinkered with so as to release the petitioners and, accordingly, their sentences are modified to the period already undergone. Hence, the petitioners above named, are ordered to be released from the custody forthwith.

11. Accordingly, the present revision petition stands disposed of.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
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