

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.361 of 2016

Arising Out of PS. Case No.-53 Year-2007 Thana- MURLIGANJ District- Madhepura

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Laxman Tudu Son of Late Mahager Tudu Resident of village - Rajni Tola
Naya Nagar, Ward No. 17, Police Station - Murliganj, Post Office Rajni,
District - Madhepura

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 990 of 2016

Arising Out of PS. Case No.-53 Year-2007 Thana- MURLIGANJ District- Madhepura

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1. Ramesh Hembram, S/o Lal Hembram

2. Henzo Tuddu, S/o Kusum Lal Tuddu

Both Residents of Village- Rajani Tola, Naya Nagar, P.S. Murliganj,
District- Madhepura

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 64 of 2018

Arising Out of PS. Case No.-53 Year-2007 Thana- MURLIGANJ District- Madhepura

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Dinesh Tuddu S/o Kusum Lal Tuddu, R/o Rajani Ward No. 17, P.S.-
Murliganj, District- Madhepura.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 361 of 2016)

For the Appellant/s : Mr. Pramod Kumar Singh, Advocate
Mr. Rahul Kumar Singh, Advocate

For the Respondent/s : Mr. Sujeet Kumar Singh, A.P.P.

(In CRIMINAL APPEAL (SJ) No. 990 of 2016)

For the Appellant/s : Mr. Pramod Kumar Singh, Advocate
Mr. Rahul Kumar Singh, Advocate

For the Respondent/s : Mr. Bipin Kumar, A.P.P.

(In CRIMINAL APPEAL (SJ) No. 64 of 2018)

For the Appellant/s : Mr. Pramod Kumar Singh, Advocate
Mr. Rahul Kumar Singh, Advocate

For the Respondent/s : Mr. Sujit Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 07-07-2026



1. All the aforementioned appeals arise out of same Murliganj P. S. Case No. 53 of 2007 and hence, with the consent of the parties, are being heard and disposed of by a common judgment.

2. Heard learned counsel appearing for the appellants and learned Additional Public Prosecutors appearing for the State.

3. Cr. Appeal (SJ) No. 361 of 2016 has been filed challenging the judgment of conviction dated 19.04.2016 and order of sentence dated 20.04.2016 and Cr. Appeal (SJ) Nos. 990 of 2016 & 64 of 2018 have been filed challenging the judgment of conviction dated 28.09.2016 and order of sentence dated 29.09.2016 passed by the learned District & Sessions Judge, Madhepura in Sessions Trial No. 199 of 2007 and in Sessions Trial No. 93 of 2016, respectively, in connection with Murliganj P. S. Case No. 53 of 2007 whereby and whereunder appellants have been convicted for committing offences under Sections 307, 323, 341/34 of the Indian Penal Code and have been sentenced to undergo rigorous imprisonment for seven years with fine of Rs. 10,000/- each, R/I for six months with fine of Rs. 500/- each and R/I for one month, respectively. However, appellants Dinesh Tuddu and Ramesh Hembram have



been sentenced to go under R/I for two years each for the offences punishable under Section 379 IPC. All the sentences were ordered to run concurrently.

4. The prosecution story, as alleged in the *Fardbeyan* of the informant, namely, Most. Pakku Devi in brief, is that her son Hakim Murmu had gone to see dance and music programme in the marriage of Kadru Baske, S/o Late Kishan Baske where some young persons including these appellants brutally assaulted her son as a result of which he became unconscious. It is further alleged that the accused persons also snatched away his wrist watch and Rs. 1,300/- cash from the pocket.

5. On the basis of the report of informant, Police lodged the instant case bearing Murliganj P. S. Case No. 53 of 2007 and after investigation police submitted charge-sheet against four accused persons, namely, Hanzo Tudu, Laxman Tudu, Dinesh Tudu and Ramesh Hernbram before the Court of Leamed C.J.M., Madhepura, who after taking cognizance against the four accused persons u/s. 341, 323, 325, 379, 307/34 I.P.C. and later on, dated 10.07.2007 case was committed to the Court of Sessions and on 24.07.2007, charges were framed against them u/s. 341, 323, 325, 307, 379/34 I.P.C.

6. In this case, in order to bring home guilt of the



accused persons, the prosecution has examined altogether six witnesses. P.W. 1, namely, Resham Lal Murmu, who is the brother of injured and supported the prosecution case. P.W. 2, namely, Chhote Lal Soren is the eye witness of the occurrence and supported the prosecution case. P.W. 3, namely, Dr. Jay Prakash Singh is the Medical Officer, who examined the injured and stated that he did not find any apparent injury on the body of the injured and did not examine the cause of swelling on his body. He further stated the reason behind unconsciousness of the injured was pulse rate which was 70 per minute and his BP was unrecordable. Injured became conscious after three days. P.W. 4 Neeraj Kumar is the eye witness of the occurrence and supported the prosecution case. P.W. 5 Hakim Murmu is the injured witness, who supported the prosecution case and P.W. 6, namely, Most Pakku Devi is the informant and mother of the injured (P.W. 5).

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

8. From the evidence adduced, it appears that both the parties are co-villagers and the occurrence took place during dance and music programme, on the spur of the moment over a



minor dispute and in the facts of the case it does not appear to be a case under Section 307 IPC.

9. Accordingly, the impugned judgments of conviction of appellants is converted to one under Section 323 IPC and the sentence awarded to the appellants is reduced to the period already undergone by them during trial.

10. In that view of the matter, appellants, above named, are discharged from the liability of the bail bonds in connection with this case.

11. Accordingly, these appeals stand disposed of.

12. Interlocutory application/s, if any, also stands disposed of.

(Prabhat Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
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