

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.704 of 2025

Arising Out of PS. Case No.-560 Year-2001 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Bhagwan Seth son of Late Jagarnath Seth Village- Shahpur, PS- Sheosagar, Dist – Rohtas.
 2. Sumitra devi Wife of Bhagwan Seth Village- Shahpur, Ps- Sheosagar, Dist – Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meena Devi wife of Rajesh Prasad @ Rajesh Seth Village- Shahpur, Ps- Sheosagar, Dist - Rohtas Daughter of Late Sita Ram Prasad, At Present Resident of Mohalla- Jakky Bigha, PS- Dehri, Dist- Rohtas

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Ms. Namrata Mishra, Sr. Advocate Mr. Chhote Lal Mishra, Advocate Mr. Jyoti Prasad, Advocate
For the O.P.-State	:	Mr. Chandra Sen Prasad Singh, APP
For the O.P. No. 2	:	Ms. Meena Devi, In-person

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 02-02-2026 Heard Ms. Namrata Mishra, learned senior counsel appearing on behalf of the petitioners, assisted by learned counsel, Mr. Chhote Lal Mishra, and learned APP for the State as well as opposite party no. 2, Ms. Meena Devi in person.

2. Opposite Party No. 2 has furnished a copy of her Aadhar Card bearing No. 791030975986, which is taken on record. She has been identified by Mr. Chhote Lal Mishra, learned counsel for the petitioner.

3. The instant criminal revision petition has been filed



by the petitioners for setting aside the order/judgment dated 20.12.2024 passed in Criminal Appeal No. 38 of 2016 (CIS No. 38 of 2016) by the learned Additional Sessions Judge-XIV, Rohtas at Sasaram, whereby and whereunder the learned appellate court has affirmed the judgment and order dated 24.06.2016 passed by the learned Sub Divisional Judicial Magistrate, Dehri in Complaint Case No. 560 of 2001 in which the petitioners have been convicted for the offence under Section 498A of the Indian Penal Code and sentenced to undergo rigorous imprisonment for two years with fine of Rs. 2,500/- and in default of payment of fine, the petitioners have to undergo further simple imprisonment for the period of three months.

4. The opposite party no. 2 submits that the matter has been settled with her husband, Rajesh Prasad @ Rajesh Seth, and the petitioners. Opposite Party No. 2 also submits that the divorce with mutual consent has taken place between the son of the petitioners and the opposite party no. 2 under Section 13B of the Hindu Marriage Act, 1955 and decision in this regard has been passed by the court of learned Principal Judge, Family Court, Rohtas at Sasaram on 04.06.2025. Opposite Party No. 2 further submits that she has received one time settlement



amount of Rs. 5,00,000/- (five lakh) and there remains no dispute between the parties.

5. The learned senior counsel appearing on behalf of the petitioners submits that all the aforesaid facts have been brought on record in the present revision petition and relevant documents have also been attached, particularly, the copy of the order dated 04.06.2025 passed by the learned Principal Judge, Family court, Rohtas at Sasaram in Divorce Case No. 76 of 2025. Learned senior counsel further submits that the petitioners are aged about more than 85 years and they are in custody since 16.04.2025. The punishment awarded to the petitioners for two years and the petitioners have already suffered incarceration for more than 09 months. Learned senior counsel further submits that though the impugned order has been assailed on a number of ground, considering the settlement arrived at between the parties, no useful purpose would be served in keeping the petitioners in custody who have already suffered incarceration during the trial. Learned senior counsel further submits that the divorce with mutual consent has already taken place and the opposite party no. 2 has been given lump-sum amount of Rs. 5,00,000/- (five lakh) by son of the petitioners as one time settlement and nothing remains in the matter.



6. Having regarding to facts and circumstances and submission made on behalf of the parties and considering the settlement between the parties and also considering the period of incarceration already undergone by the petitioners, I am of the opinion that the sentence could be suitably modified so as to release the petitioners and, therefore, the petitioners above named, are ordered to be released forthwith and their sentence is modified to the period already undergone. However, fine of Rs. 2,500/- each will be paid by the petitioners.

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

(Arun Kumar Jha, J)

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