

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.50 of 2016**

Arising Out of PS. Case No.-10 Year-2004 Thana- SANDESH District- Bhojpur

Devendra Singh S/o Bhuneshwar Singh @ Munna Singh R/o Village- Trikoul,
P.S.- Sandesh, District- Bhojpur Ara.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT**

Date : 08-07-2026

1. Heard learned counsel appearing for the appellant and learned Additional Public Prosecutor appearing for the State.

2. This appeal has been filed challenging the judgment of conviction dated 12.01.2016 and order of sentence dated 15.01.2016 passed by the learned Additional District Judge-I, Bhojpur at Ara in Sessions Trial No. 327 of 2006 in connection with Sandesh P.S. Case No. 10 of 2004 whereby and whereunder appellant has been convicted for committing offence under Sections 326 and 341 of the Indian Penal Code and has been sentenced to undergo simple imprisonment for ten years with a fine of Rs. 20,000/- for the offence punishable



under Section 326 IPC and simple imprisonment for one month and fine of Rs. 200/- for the offence punishable under Section 341 IPC. Both sentences have been directed to run concurrently.

3. The prosecution case, as unfolded in the *fardebayan* of the informant, Binita Devi, is that on 23.02.2004 at about 1:00 P.M., she was proceeding towards her orchard situated near village Drikaul. When she reached near a mango tree, the appellant, who was allegedly hiding behind the said tree, armed with a sharp-cutting weapon (*dab* resembling a sword), suddenly intercepted her. The appellant threatened to kill her and thereafter assaulted her repeatedly by means of the said weapon. In an attempt to save herself, the informant raised her left hand, but sustained grievous injuries on her left elbow, shoulder and head. Owing to the injuries sustained, she fell unconscious at the place of occurrence. It has further been alleged that immediately prior to the occurrence, the appellant had entered the orchard belonging to the informant's family and had plucked ripe as well as unripe plum fruits. On being protested by the informant, an altercation ensued between them during which abusive language was exchanged. The prosecution has further alleged that the orchard had been purchased by the father of the informant from Muneshwar Singh and was under



the possession and cultivation of the informant's family. The injured was initially taken to Referral Hospital, Sandesh and was thereafter referred to Sadar Hospital, Ara for better treatment, where her *fardbeyan* was recorded.

4. On the basis, thereof, Sandesh P.S. Case No. 10 of 2004 was instituted under Sections 341, 326 and 307 of the Indian Penal Code along with Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Upon completion of investigation, the Investigating Officer submitted charge-sheet against the appellant and the case was eventually committed to the Court of Sessions. The appellant pleaded not guilty and claimed to be tried. The Trial Court acquitted appellant from the charges levelled against him u/s 307 IPC and Section 3(1)(xi) of the SC/ST (PoA) Act.

5. In this case, in order to bring home guilt of the accused persons, the prosecution has examined altogether six witnesses. P.W. 1, namely, Binita Devi is the informant and injured witness. She has fully supported the prosecution case and deposed that on the date and time of occurrence, appellant suddenly emerged from behind the mango tree carrying *dab* and assaulted her repeatedly. P.W. 2, namely, Ful Kumar is the mother of informant and has corroborated the testimony of P.W.



1. She deposed that upon hearing the cries of her daughter, she rushed towards the orchard and found her lying unconscious with bleeding injuries over the head, shoulder and left hand. P.W. 3, namely, Birendra Prasad Singh is the Investigating Officer who recorded the statements of the witnesses, inspected the place of occurrence and prepared the seizure list. P.W. 4, namely, Dr. Meena Vajpayee, is the Medical Officer who examined the injured and found three incised wounds, grievous in nature. P.W. 5, namely, Mogal Chaudhary is a seizure list witness who deposed that there had been an altercation between the parties over plucking of plum fruits. P.W. 6, namely, Bish Kumar Chaudhary is a seizure list witness who deposed that after the quarrel relating to plucking of plum fruits, the appellant returned, armed with sword. On hearing alarm, he rushed to the place of occurrence and found the informant lying unconscious while appellant fled away.

6. After hearing the parties, the learned trial court convicted this appellant and sentenced him, as indicated in the opening paragraph of this order.

7. From the evidence adduced, it appears that both the parties are co-villagers and the occurrence took place on the spur of the moment over plucking of plum fruits from the



orchard of informant. It is further contended that the appellant would have intended to take away the life of informant, he had ample opportunity to do that as there was no intervening circumstance and no one had come forward to rescue the informant from onslaught made by the appellant but he left the informant after causing a few injuries. At the time of occurrence, appellant was a young boy aged about 19 years and he has already remained in custody for about one and a half year with no complaint of any misconduct. I feel that end of justice would be met if the sentence is reduced to the period already undergone.

8. Accordingly, the impugned judgment of conviction is upheld and the order of sentence dated 15.01.2016 passed by the learned Additional District Judge-I, Bhojpur at Ara in Sessions Trial No. 327 of 2006 in connection with Sandesh P.S. Case No. 10 of 2004 is modified and the sentence awarded to the appellant is reduced to the period he has already undergone.

9. In that view of the matter, appellant, above named, is discharged from the liability of the bail bonds in connection with this case.

10. Accordingly, this appeal stands disposed of.

11. Interlocutory application/s, if any, also stands



disposed of.

(Prabhat Kumar Singh, J)

Navya/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.07.2026
Transmission Date	10.07.2026

