

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1119 of 2024

Arising Out of PS. Case No.-70 Year-2015 Thana- ARIYARI District- Sheikhpura

Dharmendra Kumar Son of Suresh Chaurasiya Ravidas Resident of Village-
Aruara, P.S.- Ariyari, District- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar, Patna Bihar
2. Adhin Chaurasia Son of Chhotan Chaurasiya Resident of Village- Aruara,
P.S.- Ariyari, Distt.- Sheikhpura
3. Rajendra Chaurasiya Son of Chhotan Chaurasiya Resident of Village-
Aruara, P.S.- Ariyari, Distt.- Sheikhpura
4. Sulo Chaurasiya @ Surendra Chaurasiya Son of Chhotan Chaurasiya
Resident of Village- Aruara, P.S.- Ariyari, Distt.- Sheikhpura
5. Chhotan Chaurasiya Son of Late Tilak Chaurasiya Resident of Village-
Aruara, P.S.- Ariyari, Distt.- Sheikhpura
6. Ganpat Chaurasiya Son of Chhotan Charasiya Resident of Village- Aruara,
P.S.- Ariyari, Distt.- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amarnath Kumar, Advocate
For the State	:	Ms. Shashi Bala Verma, Addl.P.P.
For R-6	:	Mr. Sheo Nandan Prasad, Advocate
		Mr. Rajnish Kumar, Advocate
		Ms. Sweta Barnwal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

6 07-04-2026 **Order on sentence**

The records have been placed before this Court in
terms of the judgment dated 01.04.2026 to consider the case of
the respondent no.6 for award of sentence.

2. The respondent no.6 has been held guilty of the



offences punishable under Section 324 IPC and Section 27 of the Arms Act. The respondent no.6, namely, Ganpat Chaurasiya, who has been convicted by this Court, has appeared in person with his learned Advocate.

3. Learned counsel for the respondent no.6 has submitted that this respondent is a young person aged about 41 years, he has got four children and all of them are dependent upon him. It is further submitted that the occurrence has taken place on account of a land dispute and a dispute over the drainage. Learned counsel submits that the respondent no.6 is said to have made only one firing from the pistol, there was no repetition of firing and it was not on the vital part of the body, therefore, from all these circumstances, it may be found that the occurrence happened in the spur of the moment. Prayer has been made to consider the case of the respondent no.6 for imposition of sentence by taking a lenient view.

4. Learned counsel for the appellant has, however, submitted that the respondent no.6 used a dangerous weapon i.e. a fire-arm and the firing made by respondent no.6 has caused grievous injury to the appellant. It is submitted that considering the gravity of the offence, the respondent no.6 would deserve the maximum sentence which may be permissible in law.



5. We have heard learned counsel for the appellant and learned counsel for the respondent no.6. Section 324 IPC provides for a punishment with imprisonment of either description for a term which may extend to three years, or with fine, or with both, whereas Section 27 of the Arms Act lays down a minimum imprisonment of three years which may extend to seven years and shall also be liable to fine.

6. Upon giving our consideration to the entire submissions, we are of the view that the respondent no.6 must suffer an imprisonment of three years and also pay a fine of Rs.25,000/- both under Section 324 IPC and Section 27 of the Arms Act. The fine amount would be paid to the appellant. In case of non-payment of fine, the respondent no.6 shall undergo an additional imprisonment of three months.

7. The respondent no.6 shall surrender in the learned trial court within one week from the date of communication/uploading of this order.

8. Considering that we have awarded a sentence of three years imprisonment to the respondent no.6 with fine. He is desirous of seeking his remedy before the Hon'ble Supreme Court, therefore, we direct that on his surrender in the learned trial court, the respondent no.6 shall be enlarged on provisional



bail for a period of 90 days on submission of bail bonds and sureties to the satisfaction of the learned trial court.

9. The respondent no.6 may utilize the period of 90 days for filing appeal before the Hon’ble Supreme Court with a prayer for confirmation of the provisional bail or as may be advised to him.

10. In case, the respondent no.6 does not surrender in the given period of one week, the learned trial court shall proceed to take coercive action to secure his arrest/production and in such circumstance, the respondent no.6 shall not be entitled to the benefit of provisional bail as has been granted by this Court.

11. This appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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