

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.969 of 2024
Arising Out of PS. Case No.-244 Year-2008 Thana- ARARIA District-
Araria

Bindeshwar Mahto @ Bindeshwari Mahto Son of Dashrath Mahto
Resident of village -Radhanagar Garbanaili police station- kasba
District- purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munna Kumar son of Late Dinanath Bahardar Resident of Village-
Nayanagar Ward no. 9, Gauri chack, Ps- Araria, Dist- Araria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.

For the Respondent/s: Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 09-02-2026

Heard learned counsel for the petitioner as well as
learned counsel for the State.

2. The instant criminal revision has been preferred by
the petitioner against the judgment of conviction and order of
sentence dated 26.09.2024 passed by the learned Additional
Sessions Judge-4th, Araria in Criminal Appeal No. 96 of 2014
whereby and whereunder the judgment of conviction and order
of sentence dated 25.06.2014 passed by the learned Judicial
Magistrate-1st Class, Araria in Araria P.S. Case No. 244 of 2008
has been affirmed by which the petitioner has been convicted for
the offences punishable under Sections 279, 338, 304(A) of the
IPC and has been sentenced to undergo imprisonment for a
period of three months for the offences under Section 279 of the



IPC and fine of Rs.500 and further sentenced to undergo imprisonment for a period of six months and fine of Rs.500/- for the offences under Section 338 of the IPC. The petitioner was further sentenced to undergo simple imprisonment for a period of 1 ½ years for the offences under Section 304(A) of the IPC and fine of Rs.1500/- and was further sentenced to undergo further simple imprisonment for a period of two months for default of payment of fine. All the sentences were ordered to run concurrently.

3. As per prosecution case, on 19.05.2008, when the informant hired a tempo and went to Bhatta Bazar for purchasing fish and while returning from there, the tempo met with an accident due to rash driving and negligence of the tempo driver. The father of the informant, the informant and other ladies sustained injuries in the said accident and subsequently the father of the informant succumbed to the injuries. The petitioner is said to be the driver of the alleged tempo.

4. The learned counsel for the petitioner submits that the impugned orders of the learned Courts below are bad in law as well as on facts. There is material contradiction in the evidence of prosecution witnesses who are the close relatives of the informant and are interested witnesses. Further, the doctor has also not been examined. The learned courts below did not



consider the fact that the accident occurred due to burst of tyre of the tempo. The learned courts below also did not consider the cross examination of the deposition of the prosecution witnesses. The learned trial court did not examine the evidence of the witnesses minutely and came to an erroneous finding and hence, the judgment of conviction and order of sentence passed by the courts below are not sustainable. The learned counsel further submits that the petitioner is in custody since 26.10.2024, i.e. for 1 year and 4 months. He has no criminal antecedent. Therefore, it is prayed by the learned counsel that the judgments and orders of the learned courts below may be set aside and the revision petition may be allowed. If the Court is not inclined, then in that case the sentence awarded to the petitioner may be reduced to the period already undergone by him.

5. Learned counsel for the State submits that appellate court rightly upheld the order of the trial court as there is specific allegation that due to the rash driving and negligence of the petitioner, the vehicle met with an accident in which the father of the informant died and the informant and other ladies sustained injuries. The prosecution witnesses have supported the prosecution case in their deposition.

6. Perused the record.

7. Having regard to the rival submission of the parties



and on perusal of the judgment of the learned appellate court and the learned trial court, considering the fact that the petitioner has already suffered incarceration for a period of about 1 year 4 months out of total sentence of 1 year 6 months, finding not much merit in the case, it would be in fitness of things that the petitioner be released by reducing his sentence to the period already undergone by him. Accordingly, it is ordered that the petitioner will be released from custody forthwith subject to verification of the payment of fine imposed in terms of the appellate court's order, if not required in any other matter. If the fine has not been paid, the petitioner will be released only after the payment of fine.

8. With the aforesaid modification in the order of sentence, the present criminal revision petition stands disposed of.

9. Office is directed to return the LCR forthwith.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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