

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1027 of 2024

Arising Out of PS. Case No.-90 Year-2018 Thana- UJIYARPUR District- Samastipur

Rishi Rai @ Rishi Roy S/O Baldev Rai @ Baldev Ray R/O Village- Rupauli
Tola Danghara, P.S- Musrigharari, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sheo Kumar Prasad, Adv.
For the OP	:	Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

7 03-02-2026 The present petition has been filed for setting aside the order dated 30.08.2024 passed by the learned Additional District and Sessions Judge-V, Samastipur in Cr. Appeal No. 41/2022, G.R. No. 215 of 2018, T.R. No. 1009/2022 arising out of Ujyarpur P.S. Case No. 90/2018 for the offences registered under Section 25(1-B)a, 26, 35 of the Arms Act and Section 414 of the IPC whereby and whereunder the learned Appellate Court modified the sentence awarded by the learned trial court under Section 25(1-B)a of the Arms Act to that of SI for two years in place of three years of RI.

02. The learned trial court convicted the petitioner for the offences punishable under Section 25(1-B)a, 26 of the Arms Act and sentenced him to undergo rigorous imprisonment for three years and fine of Rs.5000/- for the offence under Section



25(1-B)a of the Arms Act and in default of payment of fine, further directed to undergo simple imprisonment for a further period of three months. Learned trial court sentenced the petitioner to undergo simple imprisonment for two years and fine of Rs.1000/- for the offences under Section 26 of the Arms Act and on default of payment the fine, further directed to undergo simple imprisonment for a period of one month. The sentences were ordered to run concurrently.

At appellate stage, the learned Appellate Court of Additional District Judge-V, Samastipur modified the sentence awarded with respect to the offences punishable under Section 25(1-B)a of the Arms Act and reduced it to simple imprisonment of two years instead of three years of rigorous imprisonment while affirming the other parts of the order and ordered that the sentences were to run concurrently.

03. Learned counsel for the petitioner at the outset, submits that the petitioner has remained in custody from 24.04.2018 to 06.12.2018 as an under trial and thereafter from 13.09.2024 till date after conviction. Therefore, the petitioner has remained in custody for more than two years. Hence, the matter has become infructuous as the petitioner has already served the sentenced period. The learned counsel prays for



release of the petitioner.

04. Having regard to the submission, it is clear that the maximum sentence awarded was only two years with fine and sentences were to be run concurrently. If the petitioner has already served the maximum period of two years, on payment of fine, the petitioner should be released from custody. Therefore, the authorities concerned are directed to look into the matter and if the petitioner has served the sentenced period, he is directed to be released from the custody if not wanted in any other case, of course subject to payment of fine imposed by the learned trial court in Ujiyarpur P.S. Case No. 90/2018.

05. Accordingly, the present writ petition stands disposed of.

(Arun Kumar Jha, J)

Anuradha/-

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