2026:JHHC:13090

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.05 of 2019

[Against the Judgment of conviction and Order of sentence dated 11.12.2018, passed by the learned Additional Sessions Judge – III, Godda, in Sessions Trial No.102 of 2007, arising out of Pathargama P.S. Case No.14 of 2006 (G.R. No.67 of 2006)]

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1. Amol Yadav, aged about 40 years, S/o Gulabi Yadav, Resident of Village – Varan Hilab, P.O. - Hilaway, P.S. - Pathargama, District - Godda,
2. Dhokhal Yadav, aged about 43 years, S/o Niranjan Yadav, Resident of Village – Godwar, P.O. Godwar, P.S. - Ghogha, District – Bhagalpur, Bihar.
3. Feku Yadav, aged about 46 years, S/o Bhumeshwar Yadav, Resident of Village & P.O. - Hilaway, P.S. - Pathargama, District - Godda,
4. Ramani Yadav, aged about 46 years, S/o Gulabi Yadav, Resident of Village – Varan Hilab, P.O. - Hilaway, P.S. - Pathargama, District – Godda,
5. Anuplal Yadav, aged about 56 years, S/o Gulabi Yadav, Resident of Village – Varan Hilab, P.O. - Hilaway, P.S. - Pathargama, District – Godda,
6. Gulabi Yadav, aged about 73 years, S/o Keshar Yadav Motapa, Resident of Village – Varan Hilab, P.O. - Hilaway, P.S. - Pathargama, District – Godda,
7. Motilal Yadav, aged about 43 years, S/o Devendra Yadav Motapa, Resident of Village – Varan Hilab, P.O. - Hilaway, P.S. - Pathargama, District – Godda,
8. Tuntun @ Ashish Yadav @ Munna, aged about 33 years, S/o Anuplal Yadav, Resident of Village – Varan Hilab, P.O. - Hilaway, P.S. - Pathargama, District – Godda,

..... Appellants

Versus

The State of Jharkhand **..... Respondent**

PRESENT
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Ranjan Kr. Singh, Advocate
For the State : Mr. Jitendra Pandey, A.P.P

Order No.05/ Dated: 04th May, 2026

1. Heard Mr. Ranjan Kumar Singh, learned counsel for the appellants and Mr. Jitendra Pandey, learned counsel for the State.

2. The present criminal appeal has been preferred against the judgment of conviction and order of sentence dated 11.12.2018 passed in Sessions Trial No. 102 of 2007, arising out of Pathargama P.S. Case No. 14 of 2006 (G.R. No.67 of 2006) by the learned Additional Sessions Judge-III, Godda, whereby the appellants have been convicted for the offence punishable under Sections 147, 323/ 149 of the Indian Penal Code (IPC) and have been sentenced to undergo R.I. for two years for the offence under Section 147 IPC and for the offence under Sections 323/ 149, they have sentenced to undergo R.I for one year with fine of Rs.1,000/- each with default clause. All the sentences were directed to run concurrently.

3. Learned counsel for the appellants has confined his prayer to the extent that in spite of the fact that it is their first offence and further there is no criminal history, still the benefits of Sections 3/4 of the Probation of Offenders Act, 1958 has not been granted to the appellants and as such prayer has been made that the benefits of the Probation of Offenders Act, may be extended to the appellants.

4. A report has been called for the concerned Probation Officer vide order dated 08.04.2026.

From perusal of the report, submitted by the Probation Officer, Godda, it appears that the conduct and behaviour of the appellants is good. The parties are related and as such the recommendation has been made that the benefits of the Probation of Offenders Act, 1958 may be extended to the present appellants.

5. Considering the nature of allegation, the relationship between the parties and the report of the Probation Officer, Godda, the benefits of Section 4 of the Probation of Offenders Act, 1958 is, hereby, extended to the appellants.

6. The appellants are directed to execute a bond of good behaviour for the period of six months.

7. With the benefit of Section 4 of the Probation of Offenders Act, 1958, the present appeal stands disposed of.

8. Let the Trial Court Records be sent back to the Court concerned forthwith, along with the copy of this Judgment.

(Rajesh Kumar, J.)

Jharkhand High Court, Ranchi
Dated, the 04th May, 2026
Ravi-Chandan/- **NAFR**
Uploaded on 05.05.2026