IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 304 of 2020
with
I.A. No. 10367 of 2026
with
I.A. No. 12762 of 2026

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1. Jashim Mian @ Jasim Mian, aged about 62 years, son of late Jinnat Hussain Mian.
2. Bablu Mian @ Babloo Mian, aged about 32 years, son of late Jasmuddin Mian.
3. Shahida Bibi @ Sahida Bibi, aged about 57 years, wife of Jasim Mian.

All residents of village: Kauriya Tola, Teliyabandh, PO and PS: Sadar Daltonganj, District Palamau, Jharkhand. … ... **Petitioners**

Versus

The State of Jharkhand … … **Opp. Party**

with

Cr. Revision No. 265 of 2020

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1. Kasim Miyan @ Kasim Mian @ Kashim Mian, aged about 50 years, son of late Jinnat Hussain Miyan @ Jinnat Hussain Mian.
2. Fahim Ansari, aged about 55 years, son of late Jinnat Hussain Miyan @ Jinnat Hussain Mian.
3. Mehnaj Ansari, aged about 29 years, son of Fahim Miyan @ Fahim Mian.
4. Asma Bibi @ Ashma Bibi, aged about 51 years, wife of Fahim Miyan @ Fahim Mian.
5. Munni Bibi @ Sayum Bibi @ Muni Bibi @ Saylmun Bibi, wife of Kasim Miyan @ Kashim Mian.

All residents of village: Kauriya Tola, Teliyabandh, PO and PS: Sadar Daltonganj, District Palamau, Jharkhand. … ... **Petitioners**

Versus

The State of Jharkhand … … **Opp. Party**

For the Petitioners : Mr. Md. Faruque Ansari, Advocate
For the State : Mr. Suraj Deo Munda, A.P.P.
[In Cr.Rev.No. 304 of 2020]
Ms. Ruby Pandey, AP.P.
[In Cr. Rev. No. 265 of 2020
For the Informant : Mr. Baban Prasad, Advocate

P R E S E N T
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA
JUDGMENT

Dated: 9th September, 2026

By Court:- Heard the learned counsel for the parties.

2. The present Criminal Revisions are directed against the judgment of conviction and order of sentence, both dated, 28.11.2019 passed by the learned

Additional Sessions Judge-IX, Palamau Daltonganj in Cr. Appeal No. 124 of 2013 and 129 of 2013, whereby and whereunder, the judgment of conviction and order of sentence, both dated, 30.7.2013 passed by the learned Assistant Sessions Judge-1, Palamau at Daltonganj in S.T. No. 293 of 2009 by which the petitioners have been convicted under sections 148/325/149 of the Indian Penal Code and have been sentenced to undergo S.I. for one year for the offence under section 148 IPC and further S.I. for three years for the offence under section 325/149 IPC and fine of Rs. 500/- each with default stipulation, has been upheld.

FACTUAL MATRIX

3. The factual matrix giving rise to this appeal is that on 25.8.2007 at about 2:30 p.m. accused Asma Bibi came to the Govt. Hand Pump situated near the house of informant where her saree was caught by the nearby bushes upon which she started abusing in filthy language. She was objected then Mehnaj Ansri and Gaud Ansari reached there and assaulted Ruman Bibi and Sakunat Bibi, wife and mother of the informant. The local persons mediated and saved them. On the same day at about 5-6 p.m. when the informant was returning from his work then Jasim Mian, Fahim Mian, Kasim Mian, Saddam Mian and Babloo Mian assaulted him with lathi, danda and gadasa, causing injuries to him and his brother Shoukat Ali. When Ruman Bibi and Sakunat Bibi tried to save them they were also assaulted by Sahida Bibi, Asma Bibi and Munni Bibi.

4. On the basis of written report of the informant Mustak Ansari Palamau Sadar PS Case No. 348 of 2007 dated 26.8.2007 was registered against the above-named petitioners for the offence under sections 341/325/504/34 of the Indian Penal Code. After completion of investigation, charge-sheet was submitted against the accused petitioners under sections 147/148/149/341/323/325/307/504 of the Indian Penal Code. After taking cognizance of the offence, the learned Magistrate committed the case to the Court of Sessions; where Sessions Trial Case No. 293 of 2009 was registered. Thereafter, charges were framed under sections 148/307/149 of the Indian Penal Code which were read over and explainied to the petitioners to which they pleaded not guilty and claimed to be tried. After the trial, they were found guilty for the offence under sections 148/325/149 of the Indian Penal Code.

5. In course of trial, the prosecution has examined altogether 8 witnesses and also adduced several documentary evidences.

6. No evidence has been adduced on behalf of defence.

7. After conclusion of trial, the learned trial court, after considering the oral as well as documentary evidence available on record, has convicted and sentenced the petitioners, as stated above, which is assailed in these criminal revisions.

8. Learned counsel for the petitioners, without touching the merits of the case, has confined himself on the point of non-extension of benefit of Section 4 of the Probation of Offenders Act, 1958 to the petitioners. It is submitted that it was first offence of the petitioners and they have never been convicted in any other case. The plea of first offender and extension of benefit of Probation of Offenders Act, 1958 was raised before the learned Trial Court, but the learned trial court without recording any special reason has declined the same. Hence, petitioners deserve the benefit of Section 4 of the Probation of Offenders Act, 1958.

9. On the other hand, learned A.P.P. appearing for the State has opposed the contentions raised on behalf of the petitioners and defended the impugned judgment and order on merits. So far extension of benefit of Section 4 of Probation of Offenders Act, 1958 is concerned, it is fairly submitted that it was first offence of the petitioners and there is no previous conviction against the petitioners.

10. I have gone through the record of the case along with the impugned judgment of conviction and order of sentence in the light of contentions raised on behalf of both the parties.

11. It appears from the impugned judgment and evidence available on record that the informant was assaulted by the accused persons with *lathi*, *danda* and *garasa* as a result of which the fore-arm bone of the informant got fractured and was grievous in nature and other injuries were simple in nature. The informant who has been examined as PW-5, has remained intact in his deposition during examination-in-chief and cross-examination. PW-3 Shaukat Ansari has also sustained several injuries and also corroborated the deposition of the informant.

12. In view of the above, it appears that the learned trial court has rightly held the petitioners guilty for the offence punishable under sections 148 and 325/149 of the India Penal Code. There is no error in the impugned judgment. Hence, the conviction of the petitioners is upheld.

13. So far as the sentence awarded to the petitioners is concerned, from perusal of impugned judgment, it also appears that the defence has taken plea that there is no previous conviction or criminal antecedent against the petitioners and this is the first offence, for which the convicts found guilty,

which has not been denied by the prosecution. It also appears from perusal of impugned order that plea of first offender and extension of benefit of Section 4 of Probation of Offenders Act, 1958 has been declined by the learned trial court without recording any special reasons.

14. Considering the facts and circumstances of the case, the nature of offence committed by the petitioners, the genesis and manner of occurrence, age, antecedents and character of the petitioners, it is expedient in the ends of justice to extend the benefit of Section 4 of the Probation of Offenders Act, 1958 to the petitioners, for which they appear to be entitled, instead of awarding substantive sentence of imprisonment.

15. In view of the above, these revisions are **dismissed on merits with modification in sentence** to the extent that instead of undergoing substantive sentence of imprisonment awarded to the petitioners by learned Trial Court, the petitioners are hereby directed to be released on furnishing bond of Rs.5,000/- (Rupees Five Thousand)each with one surety of like amount to the satisfaction of learned trial court under Section 4 of the Probation of Offenders Act, 1958 within two months from the date of this order for maintaining peace and be of good behavior for one year from the date of furnishing the bond.

16. If the bond is not furnished within above stipulated time, the learned Trial Court shall issue notice upon the petitioners to secure their attendance for furnishing the bond.

17. In case of violation of terms and conditions of the bond, the petitioners shall be called upon to serve the sentences already awarded to them.

18. Petitioner No.1, namely, Jashim Mian @ Jasim Mian and petitioner No.2, namely, Bablu Mian @ Babloo Mian in Criminal Revision No. 304 of 2020 who are in custody shall be released forthwith, after furnishing the bond under section 4 of Probation oof Offenders Act, 1958 as stated above, if not wanted in any other case.

19. Pending I.A.(s), if any, stands disposed of.

20. Let a copy of this judgment be sent to the learned trial court concerned through **Fax** for information and needful.

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand,Ranchi
Dated:09.09.2026
KNR/NAFR
Uploaded on: 10.9.2026