2026:JHHC:31160

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J) No.1096 of 2025

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1. Rakhohari Ghosh @ Rakhahari Ghosh, aged about 38 years, Son of Late Sukumar Ghosh
2. Bipad Taran @ Bipad Ghosh @ Bipad Taran Ghosh, aged about 50 years, Son of Late Shivcharan @ Sibai Ghosh
3. Utpal Ghosh @ Utbe Ghosh, aged about 32 years, Son of Gurupada Ghosh
4. Rahul Ghosh, aged about 20 years, son of Swapan Ghosh, all residents of Mouza-Bheladih, P.O. & P.S. Baghdehri, District Jamtara

…. …. Appellants

-Versus-

1. The State of Jharkhand
2. Pramila Ghosh, aged about 60 years, w/o Nitai Ghosh, Resident of Village Bheladih, P.S. Bagdehri, P.O. Sagarbhanga, District Jamtara, Jharkhand **…. …. Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Kaushik Sharkhel, Adv.
For the State : Mr. Sanat Kumar Jha, A.P.P

09/Dated: 26th October, 2026

1. Heard the learned counsel for the appellants and learned counsel for the State.

2. The victim has been added as party respondent, vide order dated 06.08.2026 and thereafter, notice was issued to her. As per the office note, it appears that the notice has been validly served, in spite of that nobody appears on behalf of the victim.

3. Learned counsel for the appellants has confined his prayer only to the sentencing part, and as such, there is no requirement for calling the trial court records.

4. This appeal is directed against the judgment of conviction and order of sentence dated 30.10.2025 passed by the learned Principal Sessions Judge, Jamtara in Sessions Trial No.83 of 2025, arising out of Bagdehari P.S. Case No.06 of 2024, corresponding to G.R Case No.192 of 2024 whereby and whereunder, the appellants have been convicted for the offence under Section

427 IPC r/w Section 34 of the Indian Penal Code and each has been sentenced to undergo rigorous imprisonment for one year along with fine of Rs.5,000/- each for the offence under Sections 427/34 of the Indian Penal Code and in default thereof, further sentenced to undergo simple imprisonment for three months each respectively.

5. The criminal law has been put into motion by lodging an F.I.R being Bagdehari P.S Case No.06 of 2024 against the appellants.

6. The F.I.R has been lodged on the *fardbeyan* of the informant namely, ***Pramila Ghosh***. The brief fact of the case is that on 07.04.2024 at about 03:00 P.M., while the informant was feeding hen, the accused persons came there and damaged the feed kept in the poultry farm of the informant. They have also disconnected the electricity connection as well as damaged the boundary wall and polythene sheets of the poultry farm. In course of the incident, some chicks were also trampled under the feet of the accused persons. It is further alleged that the accused persons took away Rs.10,000/- kept in the poultry farm as well as the mobile phone of the informant thereby, causing her a loss of approximately Rs.3,00,000/-.

7. The F.I.R has been lodged under Sections 143, 341, 323, 379, 427, 504 , 506 & 34 of the Indian Penal Code and after conclusion of the investigation, charge-sheet has been submitted under Sections 143/341/323/427/504/34 IPC. After conclusion of the trial, the appellants have been convicted for the offence under Section 427 r/w Section 34 of the Indian Penal Code.

8. To substantiate the prosecution story, altogether eight witnesses have been examined.

9. P.W-1 **Jivan Ghosh. He** has been declared hostile by the prosecution.

10. P.W-2 **Jaydev Khan**, has deposed in his examination-in-chief that the occurrence took place about 14 months ago and at that time, he was returning to his house from the poultry farm of the informant. He saw that the accused persons were damaging the poultry farm. He has also deposed that the mother of Raju Ghosh was also present at the place of occurrence. Later on, he came to know that the accused persons have taken away the mobile phone and cash of the informant. He has identified the accused.

In cross-examination, he has deposed that the poultry farm was not surrounded by the boundary wall rather it is an open place. The informant was

present in the poultry farm at the time of occurrence. He saw that the accused were damaging the poultry farm. This witness did not see the accused persons assaulting the chicks nor the theft of money. The accused persons were having *lathi* in their hand.

11. P.W-3 **Sukdev Khan** has deposed in his examination-in-chief that he saw the accused persons, who were damaging the poultry farm of Damodar Ghosh and Raju Ghosh. He has also deposed that the informant was also present at the place of occurrence. He heard that the accused persons also took Rs.10,000/- from the poultry farm and they also the mobile phone of the informant. The accused persons also damaged the chick and feed of the hen.

In cross-examination, he has deposed that the occurrence took place on 24.07.2024 at about 02 PM. He was returning to his village from the poultry farm situated at Bengal. He does not know the reason of occurrence. He has not heard whether the accused persons have filed a case against the informant party or not. He heard that Pramila Ghosh and wife of Raju Ghosh etc have assaulted Sapan Ghosh due to which his leg got fractured. This witness is not residing in the village rather he resides in poultry farm situated at *Bengal*.

12. P.W-4 **Bhuban Chandra Ghosh**, has deposed in his examination-in-chief that the occurrence took place about one year ago at about 02:30 to 03:00 P.M. and at that time he was grazing his cow near the poultry farm. At that time, the accused persons came in the poultry farm and started damaging the poultry farm. They also damaged the feed of chicks which was kept in the poultry farm and also damaged the chicks. He heard that accused persons also took the money from the poultry farm.

In cross-examination, he has stated that Raju Ghosh is from his village and he is also brother in relation. Poultry farm was surrounded by plastic sheets. He did not saw that the accused took money from the informant and also not seen the occurrence of damaging the poultry farm.

13. P.W-5 **Kailash Ghosh** has deposed in his examination-in-chief that the occurrence took place about one year four months ago. On that day, he was returning from her sister's house. When he reached near the poultry farm of the informant, he saw that the accused persons were damaging the poultry farm.

During cross-examination, he has admitted that he saw the occurrence. He reached the place of occurrence at about 02: 15 to 02:20 PM and he was

alone and no other villagers were present at the place of occurrence. He had seen the destruction of poultry farm but not the occurrence of assault and stealing. After 03-04 days of the occurrence, he heard that the accused persons had filed a case against the informant.

14. P.W-6 **Pramila Ghosh** is the informant of this case, who has deposed in her examination-in-chief that the occurrence took place more than one year ago while she was sitting in her poultry farm situated about 02 miles away from her village. The accused persons came there armed with *lathi* and *danda*. At that time, she was alone. All the accused persons had destroyed the poultry farm and the articles kept there as well as the chicks kept in the farm. The accused persons took *Rs.10,000/-* which was kept in the poultry farm and also took her mobile phone. Due to destruction she sustained loss of Rs.Three Lac.

In cross-examination, she has deposed that the accused persons suddenly came there and entered the poultry farm, but no noise was made. No nearby person came at the time of occurrence. She further deposed that her son came after the occurrence. She went to the Police station alone at 5 P.M.

15. P.W-7 **Somlal Marandi** has deposed in his examination-in-chief that the occurrence took place one year ago. He had not seen the occurrence, when he returned to his house then he saw poultry farm of Raju Ghosh which was situated in front of his house was destroyed. He does not know who destroyed the poultry farm, nor does he identify the accused persons. This witness has been also declared hostile.

16. P.W-8 **Ajay Kumar Kerketta** is the Investigating Officer of this case and has deposed in his examination-in-chief that on 08.04.2024, he took the charge of investigation and during investigation he has recorded the re-statement of the informant. Thereafter, he inspected the place of occurrence and recorded the details of the same. Thereafter, he recorded the statement of independent witnesses and have supported the prosecution story.

In cross-examination, he has admitted that he has investigated the case and also investigated the counter case being Bagdehari P.S. case No. 05/2024. The occurrence committed on the same day. Before institution of this case Bagdehari P.S. Case No.05/2024 has been instituted against the informant party by the accused.

17. The following documents have also been proved by the prosecution, which are as follows:-

Sr. No.	*Exhibit Number*	*Description*
1.	Exhibit P-1/P.W.8	Registration on written application
2.	Exhibit P-2/P.W.8	Formal F.I.R

18. It has been submitted by the learned counsel for the appellants that there is a family dispute between the parties and they are relatives also. There is no criminality rather it is a family-cum-property dispute between them. There is a case and counter case between the parties also. It has also been submitted that the appellants have remained in custody for about eight months. Accordingly, the prayer has been made for reducing the sentencing part to the period already undergone by the appellants.

19. Learned counsel for the State could not point out any aggravating circumstances.

20. Having heard the learned counsel for the parties and from perusal of the records, it appears that the parties are relatives and there was a family-cum-property dispute between them. There is a case and counter case between them and no aggravating circumstances has been brought on record.

21. Considering the above facts, the conviction of the appellants is, hereby, upheld and the sentencing part is hereby, reduced to the period already undergone by the appellants.

22. With the above reduction in the sentencing part, the present criminal appeal stands disposed of.

23. The appellants are in custody and as such, they are directed to be released forthwith, if not required in any other case.

24. Pending interlocutory applications, if any, also stand disposed of.

(Rajesh Kumar, J.)

Dated: 26th October, 2026
Raja/- Uploaded on 28.10.2026