

IN THE COURT OF 2nd ADDITIONAL SESSIONS JUDGE
BHOJPUR AT ARA

Crl. Appeal No.- 77/2099
Charpokhari P.S. Case No.- 111/2000

IN THE MATTER OF :-

Amrendra Rai S/o Lte Ram Rakchha Prasad Singh @ Magahia Rai
 Village-Kathai, P.S.-Charpokhari, District-Bhojpur.

.....Appellant.

Vs.

The State of Bihar

.....Respondent.

Counsel for the Appellant- Sri Pradeep Kumar Srivastava, Learned Advocate.
 Counsel for the Respondent- Sri Parashuram Chaudhary Ld. APP., assisted by
 Deobrat Sharma, Learned Advocate.

Date of Judgment:- 17.03.2026

Present:- Sudhakar Pandey
 2nd Additional Sessions Judge
 Bhojpur at Ara

Judgment

1. The appellant/accused has preferred the instant criminal appeal being aggrieved by the judgment of conviction and order of sentence dated 15.06.2009 passed by Sri Anand Kumar Singh Judicial Magistrate 2nd Class, Ara, in Case (GR) No. 3105/2000 (TR No. 31531/9) whereby the appellant was convicted and sentenced to undergo simple imprisonment for a period of six months u/s 323 IPC; simple imprisonment for the period of 3 months u/s 448 IPC; simple imprisonment for a period of 3 months u/s 504 IPC and simple imprisonment for one month u/s 341 IPC. All the sentences were directed to run concurrently.
2. The facts leading to this criminal appeal are that Kaushalya Devi stated in her fard-beyan that her one duck went missing and she was searching

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for it. In this course, she asked Amrendra Rai of her village about her lost duck. Upon which on last wednesday at 4:30 O'clock, Amrendra Rai, his wife and his daughters namely Chamcham Devi, Guriya Devi and Daidy Kumari entered her house and assaulted her with lathi and danda due to which she sustained injuries in the wrist of right hand and on her back. When her husband Jang Bahadur Chaurasia came to save her, he was also assaulted with lathi by Amarendra Singh due to which her husband also sustained injuries. Meanwhile Chamcham Devi snatched gold earring from her ear and jitiya from her neck. Upon halla, many persons gathered and the accused fled away. This occurrence was witnessed by many persons in the village and they had also intervened.

3. On the basis of fardbeyan of the informant Kaushalya Devi, Charpokhari P.S. Case No. 111 of 2000 dated 21.11.2000 was instituted u/ss 323, 341, 448, 379/34 IPC against Amarendra Rai, wife of Amarendra Rai, Chamcham Devi D/o Amarendra Rai, Guriya Devi D/o Amarendra Rai and Daidy Kumari D/o Amarendra Rai. After completion of investigation, police submitted charge-sheet u/ss 341, 448, 323, 504/34 IPC against Amarendra Rai, Urmila Devi W/o Amarendra Rai, Chamcham Devi D/o Amarendra Rai, Guriya Devi D/o Amarendra Rai and Daidy Kumari D/o Amarendra Rai. The cognizance was taken on 28.06.2001 against the abovenamed accused persons u/ss 341, 448, 323, 504/34 IPC.
4. The substance of accusation u/ss 341, 448, 323, 504/34 IPC was explained in Hindi to Amarendra Rai, Urmila Devi, Chamcham Devi, Guriya Devi and Daidy Kumari on 03.05.2002 and the accused persons pleaded not guilty and claimed to be tried. After closure of the prosecution evidence, the statements of the accused persons were recorded u/s 313 of Cr.PC in which the accused persons claimed innocence.
5. The ld. trial court vide impugned judgement and order dated

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15.06.2009, convicted and sentenced Amarendra Rai u/ss 341, 448, 323, 504/34 IPC and acquitted Urmila Devi, Chamcham Devi, Guriya Devi and Daidy Kumari 341, 448, 323, 504/34 IPC. Hence the appellant has preferred the present appeal.

6. During the course of arguments, the appellant as well as the informant appeared before the court physically and submitted that they have compromised the case out of their own free will and volition without any force, fraud or coercion. The appellant and the informant also filed joint compromise petition to support the averments made by them which bears the signatures of the parties and the same have also been identified by their respective Ld. counsels.
7. I have heard Ld. Additional Public Prosecutor, Ld. counsel for defence and perused the case record.
8. Perusal of the record shows that the FIR was registered u/ss 323, 341, 448, 379/34 IPC against the appellant and others and the charge-sheet was submitted u/ss 341, 448, 323, 504/34 IPC against the appellant and others. Accordingly cognizance was taken Ld. trial court u/ss 341, 448, 323, 504/34 IPC and the charge were framed u/ss 341, 448, 323, 504/34 IPC against the appellant and others. After considering material on the record, Ld. trial court convicted the appellant u/ss 341, 448, 323, 504/34 IPC and acquitted the other accused persons.
9. Perusal of Section 320 Cr.P.C. shows that the offences for which the appellant has been convicted and sentenced are compoundable in nature and can be compounded at any stage. Since the parties have compromised the case and the peace has been restored and no public policy is involved, hence the parties are allowed to compound the court.

Therefore, the judgment of conviction and order of sentence passed by by Sri Anand Kumar Singh Judicial Magistrate 2nd Class, Ara, in Case (GR) No. 3105/2000 (TR No. 31531/9) is hereby set aside and the appellant is acquitted of the charge u/ss 341, 448, 323, 504/34

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IPC in connection Charpokhari P.S. Case No. 111 of 2000 in the light of compromise between the parties. The appellant is also discharged from the liability of bail bonds.

Let the LCR be sent to learned trial court with copy of this judgment and order. File of instant appeal be consigned to record room after completion of all formalities.

Date : - 17.03.2026

Judgement pronounced in the open court.

Dictated

(Sudhakar Pandey)

2nd Additional Sessions Judge

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Dictated and corrected

(Sudhakar Pandey)

2nd Additional Sessions Judge

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