

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr. Appeal (S.J.) No. 343 of 2009**

[Against the Judgment of conviction dated 31.03.2009 and Order of sentence dated 02.04.2009, passed by learned Additional Sessions Judge (Fast Track Court)-9 at Giridih in Sessions Trial No. 264 of 2005]

**1.** Bidya Bhushan Ram.

**2.** Bidya Sagar Ram.

**3.** Lakshmi Ram @ Lakshmi Narayan Ram.

All sons of Late Bainath Ram, resident of Bengabad,  
P.S. – Bengabad, District – Giridih.

... .. **Appellants**

Versus

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

.....

For the Appellants : Mr. A.K. Kashyap, Sr. Advocate.  
Mrs. Supriya Dayal, Advocate.  
Mr. Anurag Kashyap, Advocate.  
Ms. Komal S. Narayan, Advocate.

For the Respondent : Mr. Vineet Kr. Vashistha, Spl.P.P.

For the Informant : Mr. Prabhat Kr. Sinha, Advocate.  
Mr. Diwakar Jha, Advocate.

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**P R E S E N T**

**HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**  
**JUDGMENT**

**Dated: 8<sup>th</sup> May, 2026**

**By Court:-** At the outset, learned counsel for the appellants as well as learned Spl.P.P. appearing for the State has submitted that during pendency of this appeal, appellant no. 1 namely, Baijnath Ram has died and death certificate has also been filed. Let it be kept on record.

- 2.** In view of the above, the appeal preferred on behalf of appellant no. 1 namely, Baijnath Ram stands abated. Name of surviving appellants has been re-numbered.

3. Heard Mr. A.K. Kashyap, learned senior counsel for the appellants as well as Mr. Vineet Kumar Vashistha, learned Spl.P.P. for the State and Mr. Prabhat Kumar Sinha, learned counsel for the informant.
4. The present Criminal Appeal is directed against the judgment of conviction dated 31.03.2009 and order of sentence dated 02.04.2009 passed by learned Additional Sessions Judge (Fast Track Court)-9, Giridih, in Sessions Trial No. 264 of 2005, whereby and whereunder, the appellants have been held guilty for the offence under Sections 324/149, 147, 323, 341 and 452 of the I.P.C. and sentenced to undergo R.I. of one year each under Section 147 I.P.C., R.I. for six months under Section 323 of I.P.C., S.I. for 15 days under Section 341 of I.P.C., R.I. for two years under Section 324 of I.P.C. and also sentenced to undergo R.I. for three years along with fine of Rs. 1,000/- under Section 452 of I.P.C. All the sentences were directed to run concurrently.

#### **FACTUAL MATRIX**

3. The factual matrix giving rise to this appeal is that on 06.08.2004 at about 9:30 A.M. the informant was present at his shop situated at Bengabad market and at that time, accused persons came there armed with sword and knife searching for informant's father.

Thereafter, the informant raised objection in the meantime, Baijnath Ram (since deceased) and Bidya Sagar Ram caught hold of the informant and Lakshmi Narayan Ram gave sword blow on the head of the informant, as a result of which, he sustained injury on head. The blood was oozing out from the wounds. On hulla, the informant's brother Satish Kumar came to rescue him thereafter Bidya Sagar caught hold of him and Bidya Bhushan Ram gave a knife blow on Satish Kumar as a result of which Satish Kumar sustained injury on hand and while fleeing away, Lakshmi Narayan Ram also took out Rs. 15,000/- from the cash box of shop of the informant.

4. On the basis of written report of informant, FIR being Bengabad P.S. Case No. 69 of 2004 was registered against the accused persons for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 452 & 379 of the I.P.C. and after investigation, charge sheet was submitted under Sections 147, 148, 149, 341, 323, 307, 452 & 379 of the I.P.C. against the accused persons. After taking cognizance of the offence, the learned Magistrate committed the case to the Court of Sessions; where S.T. No. 264 of 2005 was registered. The charge for the offence under Sections 307/149, 379, 147, 323, 341, 452 of the I.P.C. were framed against accused persons and read over and explained

to them, to which, they pleaded not guilty and claimed to be tried.

5. In course of trial, the prosecution has examined altogether 09 witnesses and also adduced several documentary evidence.
4. On the other hand, defence has examined one witness namely, Rajendra Yadav and also adduced two documentary evidence.
5. 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 appellants, as stated above, which is assailed in this appeal.
6. Learned counsel for the appellants, without touching the merits of the case, has confined himself on the point of extension of benefit of Section 4 of the Probation of Offenders Act, 1958 to the appellants. It is submitted that it was first offence of the appellants and they have never been convicted in another case. Hence, appellants deserve the benefit of extension of Section 4 of the Probation of Offenders Act, 1958.
7. On the other hand, learned Spl.P.P. appearing for the State has opposed the contentions raised on behalf of the appellants 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 appellants and there is no previous criminal antecedent against the appellants.

- 8.** 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 the appellants.
- 9.** It appears from the evidence of witnesses that the appellant-Lakshmi Narayan Ram has gave single blow on the vital part of the body i.e. head of the informant by sword, but the injury sustained by him is simple in nature. The appellant – Bidya Bhushan Ram gave a knife blow on Satish Kumar (brother of the informant), which is also simple in nature. The occurrence is of the year 2004 and more than two decades have passed and the appellants have sufficiently been punished for their guilt. From perusal of impugned judgment and order, it appears that the defence has taken plea that there is no previous criminal antecedent against the appellants, which has not been denied by the prosecution.
- 10.** Considering the facts and circumstances of the case, the nature of offence committed by the appellants, the genesis and manner of occurrence, age, antecedent

and character of the appellants, it is expedient in the ends of justice to extend the benefit of Section 4 of the Probation of Offenders Act, 1958 to the appellants, for which they appear to be entitled, instead of awarding substantive sentence of imprisonment.

- 11.** In view of the above, this appeal is **dismissed** on merits with modification in sentence to the extent that instead of undergoing substantive sentence of imprisonment awarded to the appellants by learned Trial Court, the appellants is hereby directed to be released on furnishing bond of Rs.10,000/- (Rupees Five Thousand) each with two 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.
- 12.** If the bond is not furnished within above stipulated time, the learned Trial Court shall issue notice upon the appellants to secure their attendance for furnishing the bond.
- 13.** In case of violation of terms and conditions of the bond, the appellants shall be called upon to receive the sentences already awarded to them.
- 14.** Pending I.A. if any stands disposed of.

**15.** Let a copy of this judgment along with trial court record be sent back to the court concerned immediately for information and needful.

**(Pradeep Kumar Srivastava, J.)**

Jharkhand High Court at Ranchi.

Dated: 8<sup>th</sup> May, 2026.

Sunil/-NAFR

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