

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.40 of 2015

Arising Out of PS.Case No. -76 Year- 1990 Thana -GUTHNI District- SIWAN

Indal Singh, son of Muni Singh, resident of village - Sadhikhor, P.S. - Guthni,
District - Siwan.

.... Appellant.

Versus

1. The State of Bihar.
2. Surendra Manjhi, son of Ram Prit Manjhi.
3. Bindalal Manjhi, son of Rambrichh Manjhi.
4. Kailash Baitha, son of Sukumar Baitha.
5. Bhrigurasan Bhagat, son of Puja Bhagat.
6. Suryalal Manjhi, son of Rambrichh Manjhi.
7. Sudish Sharma, son of Rajvansh Sharma.
8. Gaurishankar Patel, son of Ram Lochan Kurmi.
9. Rameshwer Sharma, son of Jagdiya Sharma.
10. Lokan Manjhi, son of Laldeo Manjhi.
11. Shivji Sah, son of Shiv Sunder Sah.
12. Vijay Kumar Ram, son of Shiv Kumar Ram.
13. Shivji Gond, son of Shree Ram Gond.
14. Sri Ram Gond, son of Yadu Gond.
15. Laxman Bhagat, son of Shiv Shankar Bhagat.
16. Chottelal Bhagat, son of Shiv Shankar Bhagat.
17. Panchdeo Bhagat, son of Bishun Bhagat.

All are the resident of village - Sadhikhor, P.S. - Guthni, District – Siwan.

.... Respondents.

Appearance :

For the Appellant : Mr. Kundan Kumar, Advocate.

For the State : Ms. Shashi Bala Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 20-01-2015

Informant of Guthni P.S. Case No.76 of 1990 has filed this
appeal against the Judgment dated 17.02.2014 passed by the Adhoc
Additional District and Sessions Judge-III, Siwan, in Sessions Case

No.165 of 1992, whereunder the private Respondent Nos.2 to 17 have been acquitted of the charge under Sections 307/149 and other allied Sections of the Penal Code.

2. It appears, Respondents-accused persons came to the P.O. land and having uprooted the hand pump assaulted the informant not only with the hand pump but also with other traditional weapons like Lathi, Bhala, Farsa etc. P.O. land appears to be Plot Nos.837, 844 and claim of title over the same by the prosecution party has been defeated by the competent Civil Courts under Judgment in Title Suit No.98/78, appeal filed against which also failed. Such fact is admitted by none-else but by P.W.2 in his evidence.

3. From the trend of cross examination of the prosecution witnesses, it further appears that on the disputed land religious function was organized and the accused persons were cleaning the place for religious function which was protested by the members of the prosecution party and after altercation, the occurrence is said to have taken place causing injuries to the injured. The injury report of injured is neither brought on record, nor the doctor who examined them has been examined to support the factum of injury being caused to the injured. Besides, there is serious contradiction between the evidence of the prosecution witnesses as has been discussed in paragraphs-10 and 11 of the impugned Judgment.

4. We see no reason to take a different view in the matter than the one which has been taken by the trial court in the impugned Judgment.

5. Appeal is dismissed.

(V.N. Sinha, J)

(Rajendra Kumar Mishra, J)

P.S./-N.A.F.R.

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