

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.10 of 2015

Arising Out of PS.Case No. -267 Year- 2007 Thana -BANKA District- BANKA

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Rajanikant Yadav, son of Bateshwar Yadav, resident of village-Bhalua P.S-
Banka, District-Banka.

.... Appellant/s

Versus

1. The State of Bihar.
2. Ram Vilash Yadav, son of Sita Ram Yadav.
3. Vishnu Yadav @Vishundeo Yadav, son of Nago Yadav.
4. Vinod Yadav, son of Sita Ram Yadav.
5. Sita Ram Yadav @ Marik, son of Late Man Bharan Yadav@ Marik.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vibhakar Kumar
For the Respondent/s : Mr. Bipin Kumar(APP)

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

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

4 13-01-2015 Informant of Banka P.S. Case No.267 of 2007

registered for the offences under Sections 307/34 and other allied
Sections of the Penal Code has filed this appeal assailing the
Judgment dated 26.06.2014 passed by the Adhoc Additional
Sessions Judge-I, Banka, in Sessions Trial No.399 of 2008,
whereunder Respondent Nos.2 to 5 have been acquitted of the
charge under Sections 307/34, 379, 504 of the Penal Code but
convicted for the offences under Sections 323 and 341 of the Penal
Code and have been directed to be released on execution of bond

under Section 3 of the Probation of Offenders Act after due admonition.

It is submitted on behalf of the appellant that from the evidence of the informant injured, eye witnesses and Doctor P.W.6, it is quite evident that the informant suffered injuries on his person, which were serious enough to secure the conviction of the Respondent Nos.2 to 5 under Sections 307/34 of the Penal Code but the court below without appreciating the gravity of the injuries acquitted them of the said charge and convicted them for the offences under Sections 323 and 341 of the Penal Code.

In the light of the submission of the counsel for the appellant, we have examined the evidence of the doctor as discussed by the court below in paragraph-12 of the impugned Judgment, wherefrom it appears that the informant suffered two lacerated wounds and swelling, which are not dangerous to life and in the light of the said injuries, the court below chose to convict the Respondent Nos.2 to 5 for the offences under Sections 323 and 341 of the Penal Code and not under Sections 307/34 of the Penal Code.

The findings recorded by the court below appear to be in tune with the materials available on record and we are not inclined to interfere with the impugned Judgment.

The appeal is dismissed.

(V.N. Sinha, J)

(Rajendra Kumar Mishra, J)

P.S./-

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