

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18894 of 2016

Arising Out of PS.Case No. -11 Year- 2012 Thana -CHENARI District- SASARAM (ROHTAS)

1. Devendra Chaubey
2. Surendra Chaubey Both are sons of Late Mahesh Chaubey Resident of village - Raghunathpur, P.S. Chenari, District - Rohtas
..... Petitioner/s

Versus

1. The State of Bihar
2. Sheo Shankar Dubey Son of Late Ram Bilash Dubey Resident of village - Chandra Kaithi, P.S. Chenari, District - Rohtas
..... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv.
Mr. Upadhyay Saurabh Kumar, Adv.
For the State : Mr. Parmeshwar Mehta, Adv.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 03-08-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor. Gone through the order impugned.

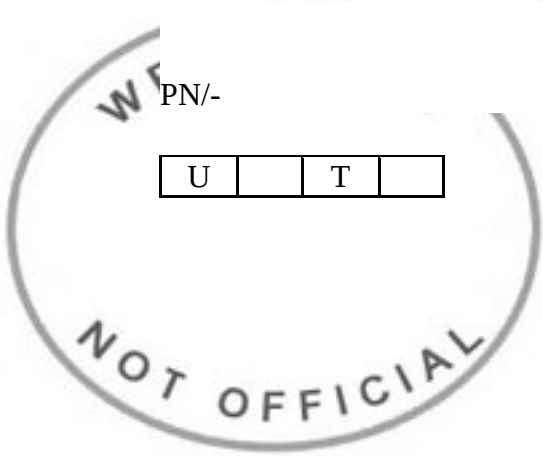
The learned counsel for the petitioners resisted the finding recorded by the learned lower court on the ground that irrespective of having an allegation that both these two petitioners have assaulted the victim by means of sword as well as *Garasa*, no sharp cut injury has been found over the person of victim and that being so, the manner of occurrence has become suspicious whereupon the learned lower court should have disbelieved the prosecution version and had discharged the petitioners.

Learned Additional Public Prosecutor opposed the prayer.

Lacerated wound is being caused by a weapon having blunt edge, whether, at the time of occurrence sword as well as *Garasa* had sharp edge is a matter to be taken up at the time of trial should be traced out, during course of examination of victim in consonance with the doctor. On the basis thereof, for the present discharge would not be allowed as it will be premature to judge the issue.

Accordingly, instant petition sans merit and is accordingly rejected.

(Aditya Kumar Trivedi, J)



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