

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1117 of 2016

Arising Out of PS.Case No. -81 Year- 1988 Thana -BIRAUL District- DARBHANGA

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Nirmala Roy, Wife of Late Krishna Chandra Roy, Resident of Village:
Dekuli Dham, Police Station - Biraul, District: Darbhanga.

.... Appellant

Versus

1. The State of Bihar
2. Ramyari Roy Son of Mushar Roy
3. Umesh Prasad Roy Son of Ramshray Roy
4. Deo Kant Roy Son of Sitaram Roy
5. Deo Chandra Roy Son of Kantr Roy All Resident of Village: Dekuli
Dham, Police Station: Biraul, District Darbhanga.

.... Respondents

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Appearance :

For the Appellant : Mr. Prafull Chandra Jha, Advocate.

For the Respondents : Mr. Ashwani Kumar Sinha (APP)

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH**

and

**HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

3 06-12-2016

Heard learned counsel for the appellant.

This appeal is against the conviction of lesser offence.

Learned counsel for the appellant submits that though
the accused persons were charged under section 302 of the I.P.C,
they have been found guilty and punished under sections 304 and
308 of the I.P.C.

We have gone through the evidence on record. The
court has come to finding that the evidence is not sufficient to
show that there was intention to kill. The weapons used are



agricultural equipments and that too blunt side thereof, there is no repeated blows to cause death. The deceased also does not die immediately, he was taken for treatment and subsequently after two or three days in course of treatment after ten days he died of a single injury on the head caused by hard and blunt substance being back side of *garasa*.

In that view of the matter, we have no reason to take different view of the matter. Accordingly, this appeal is dismissed.

(Navaniti Prasad Singh, J)

Abhay/-

(Jitendra Mohan Sharma, J)

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