

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.649 of 2016

Arising Out of PS.Case No. -111 Year- 2011 Thana -DHANAHA District-
WESTCHAMPARAN(BETTIAH)

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Chandan Kushwaha S/o Sukhari Kushwaha resident of Village- Murgahwa,
P.S.- Dhanha, District- West Champaran.

.... Appellant

Versus

1. The State of Bihar
2. Tufani Kushwaha, S/o Jhagaru Kushwaha
3. Paramhans Kushwaha, S/o Saral Kushwaha
4. Saral Kushwaha
5. Dhurandar Kushwaha @ Dhurender Kushwaha, Sons of Late Rajnand
Kushwaha All residents of Village- Murgahawa, P.S.- Dhanha, Distt- West
Champaran.

.... Respondents

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Appearance :

For the Appellant : Mr. Vijay Kr Singh No. 1

For the Respondents : Mr. Sri Ajay Mishra

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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 10-11-2016

Heard learned counsel for the appellant.

This is an appeal against the acquittal filed by the
informant.

Learned counsel for the appellant fairly submits that
four accused persons have not been sent for trial. Notwithstanding
the same under section 319 of Cr.P.C. it cannot be made
applicable to this case at this stage. He further submits that the
doctor was not examined, the I.O. was also not examined and the
injured person i.e. the father of the informant, the injury found

upon him is related to the charge under section 307 of the I.P.C.,
was also not examined.

In our view, the prosecution suffers from such
infirmities and the acquittal cannot be said to be bad in the eye of
law.

We find no merit in this appeal. It is accordingly
dismissed.

(Navaniti Prasad Singh, J.)

Rajiv/abhay

(Jitendra Mohan Sharma, J.)

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