

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.969 of 2016

Arising Out of PS.Case No. -188 Year- 2001 Thana -BARAUNI District- BEGUSARAI

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Rajniti Singh, Son of Late Bindeshwari Singh, resident of Keshawe, P.S.-
Barauni, District- Begusarai.

.... Appellant

Versus

1. The State of Bihar.
2. Sudhir Yadav, Son of Dwarika Yadav @ Dorik Yadav
3. Sagar Yadav, Son of Kari Yadav
4. Ram Bharosa Tanti, Son of Baso Tanti, All are residents of Village-
Sosil Nagar, P.S.- Muffasil, District- Begusarai.

.... Respondents

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Appearance :

For the Appellant : Mr. Jai Prakash Singh, Advocate
For the Respondents : Mr. Mayanand Jha (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)

2 28-11-2016

Heard learned counsel for the appellants.

This is an appeal against acquittal. The accused persons were charged under sections 307 and 324 of the Indian Penal Code. The trial Court having examined the evidences has come to the finding that even though the accused persons had firearm with their hands which they could have easily used but had not used which shows that there was no intention to kill. The measurement of the boundary was going on and the two parties got into argument. At the spur of moment there was assault and injuries were caused. The Doctor has opined that there were

grievous injuries. The trial Court has opined that there was no intention to cause death and, as such, acquitted them for the charge under section 307 of the Indian Penal Code while convicting them under section 324 of the Indian Penal Code.

We see no perversity or illegality in the said order. Merely because there are grievous injuries on two parts of the body, it was not *ipso facto* established intention to kill which is the important ingredient for section 307 of the Indian Penal Code.

In view of above, we find no merit in this appeal. It is accordingly dismissed.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Rajiv/abhay

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