

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.72 of 2016

with
Interlocutory Application No. 244 of 2016.

Arising Out of PS.Case No. -232 Year- 2008 Thana -KADWA District- KATIHAR

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Vijay Kumar Sah, son of Late Madhuri Sah, Resident of Village- Chanpur,
P.S.- Kadwa, District-Katihar

.... Appellant/s

Versus

1. The State of Bihar
2. Satya Narayan Sah, Son of Late Prasadi Sah
3. Manoj Sah, Son of Satya Narayan Sah
4. Dropti Devi, Wife of Satya Narayan Sah,
Opposite Party Nos. 2 to 4 are resident of village- Chanpur, P.S.- Kadwa,
District- Katihar

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Ajay Kumar, Advocate.

For the Respondent/s : Mr. S.C. Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

2 28-03-2016

The present appeal against acquittal for the offence under Section 307 arises out of order passed by the learned Additional Sessions Judge II, Katihar on 31.08.2015 in Sessions Trial No. 51 of 2012.

The argument of the appellant is that he was given ‘Gadansi’ blow on his head; therefore, an offence under Section 307 IPC is made out, but as per the medico-legal report as brought out by PW1 Dr. Jai Prakash Mahto, there is lacerated wound on left side of head from middle to left side in size – 3” x ½” x muscles deep and X-ray was advised. As per the appellant, the X-

ray report was not received. The lacerated wound is not grievous.

In view of the said fact, we do not find any error in the order passed by the learned trial court which may warrant consideration in the appeal against the acquittal. There is no perversity or irregularity in the findings recorded which shall warrant interference in the present appeal. Accordingly, the appeal is dismissed.

It is apart from the fact that the appeal is barred by limitation. We find that no sufficient cause is made out for condonation of delay. The limitation petition is rejected.

(Hemant Gupta, J)

(Anjana Prakash, J)

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