

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No 1008 of 2016

Arising Out of PS.Case No. -6 Year- 2007 Thana -PIPRASI District-
WESTCHAMPARAN(BETTIAH)

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Ramesh Kushwaha Son of Late Rambilas Kushwaha, Resident of Village-
Manjhariya Tola, Situhiya, P.S. Piparasi, District- west Champaran.

.... Appellant/s

Versus

1. The State of Bihar.
2. Amrish Kushwaha, Son of Ramji Prasad Kushwaha.
3. Ramji Prasad Kushwaha, Son of Birnarain Kushwaha.
4. Binod Kushwaha, Son of Ramji Prasad Kushwaha, All three are resident of
Village Manjhariya Tola, Sithuhiya, P.S.- Piparasi, District- West Champaran.

.... Respondent/s

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE MR JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 02-12-2016

This is an appeal against acquittal as recorded by the
Additional Sessions Judge III, Bagaha, West Champaran in Sessions
Trial No 382 of 2008 wherein the accused persons, having been
charged for offences under Sections 341, 447, 323, 379, 307/34 of
Indian Penal Code, have been acquitted.

2 Having heard learned counsel for the appellant and
having gone through the judgment, we are satisfied that no case for
interference is made out.

3 Suffice to note that the prosecution report was lodged
six days after the incident. The explanation was that there was



panchayati and talks of compromise. No independent witness has been examined to support this contention which is an explanation for the inordinate delay. There is admitted several civil cases amongst the parties pending. So far as injury is concerned, the appellant, who is the victim, is said to have been under treatment all along that is for last six days without the First Information Report (for brevity, *FIR*) being lodged which is not possible. The injury report is after the *FIR* was lodged that is six days after the incident. Out of the five non-official prosecution witnesses, apart from the victim and the informant, rest have all turned hostile. Considering the aforesaid fact, the trial Court gave benefit of doubt and acquitted the appellant.

4 We have no reason to take a different view of the matter. This appeal is dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Jitendra Mohan Sharma, J)

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