

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.501 of 2015

Arising Out of Dip Nagar PS.Case No. -85 of 2006 Thana -
Deepnagar District- Nalanda (Biharshariff)

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1. Maksudan Sharma Son of Late Mishri Sharma, Resident of Village -
Khider Chak, P.S. - Rahui, District- Nalanda.

.... Appellant

Versus

1. The State of Bihar.
2. Vijay Yadav, Son of Kapil Yadav, R/o Village - Dipnagar, P.S. -
Dipnagar, District - Nalanda.
3. Hakku Paswan, Son of Dina Paswan,
4. Multani Paswan, Son of Late Badri Paswan,
5. Raja Ram Paswan, Son of Jamun Paswan,
6. Vijay Paswan, Son of Mushafir Paswan,
respondent Nos. 3 to 6 are residents of village - Dewdha, P.S. -
Dipnagar, District - Nalanda.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Jitendra Nath Tiwary

For the Respondent/s : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE NAVANITI PRASAD

SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

6 10-05-2016 Heard Mr. Jitendra Nath Tiwary, learned Counsel for the

appellant, and Mr. Ajay Mishra, learned Additional Public

Prosecutor, appearing for the State.

Learned Additional Public Prosecutor, appearing for the

State, has pointed out that the appellant herein is merely an

informant and is not a *victim* within the meaning of Section 2(wa)

of the Code of Criminal Procedure and, therefore, this appeal is

not maintainable in the light of the proviso to Section 372 of the Code of Criminal Procedure, which enables a *victim* to prefer appeal.

In view of the fact that the present appellant is, admittedly, not a victim, we close this appeal with liberty granted to the appellant to take recourse to appropriate provisions of law.

With the above observations, this appeal is disposed of.

(I.A. Ansari, ACJ)

(Navaniti Prasad Singh, J)

A.I./-

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