

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.645 of 2016

Arising Out of PS.Case No. -259 Year- 2002 Thana -BAHERA District- DARBHANGA

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Baidyanath Mallik son of Late Mahabir Mallik, resident of Village- Mahinampatti Bahera Bazar, Police Station- Bahera, District- Darbhanga.

.... Appellant

Versus

1. The State of Bihar.
2. Bharat Mallik son of Late Mahabir Mallik
3. Navin Kumar Mallik son of Bharat Mallik
4. Anil Kumar Mallik son of Bharat Mallik. Respondent Nos. 2 to 4 are residents of village- Mahinampatti Bahera Bazar, P.O. and P.S.- Bahera, District- Darbhanga.

.... Respondents

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Appearance :

For the Appellant : Mr. Suraj Narain Yadav, Advocate.

For the Respondents : Mr. Sri Ashwani Kumar Sinha, A.P.P.

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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 16-11-2016

Heard the learned counsel for the appellant.

The present appeal is filed by the victim under section 372 (proviso) of the Criminal Procedure Code who happens to be the informant as well.

We have perused the judgment under appeal. The trial court while acquitting the accused persons for the charges under sections 307, 323, 447 and 341 of the I.P.C. has also convicted one of the accused under sections 447 and 323 of the I.P.C. and they were given benefit of admonition. The accused persons are none-

else but the appellant’s own brothers. The trial court has discussed the evidence and has come to a finding that the injuries were not in such a manner in which they were inflicted so as to draw inference that the attempt to be caused as culpable homicide.

We see no reason to take a different view in the matter. There is long standing litigation, both civil and criminal, between the parties. The trial court after considering the evidence has given benefit of admonition to the accused persons.

In that view of the matter, we are not inclined to interfere with the same. It is accordingly dismissed.

Rajiv/-

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

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