

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.983 of 2016

Arising Out of PS.Case No. -28 Year- 2007 Thana -BASANTPUR District- SIWAN

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Ramdeo Singh, S/o Late Chandrika Singh, resident of village- Sipah, P.S. Basantpur, District - Siwan

.... Appellant

Versus

1. The State of Bihar
2. Mahadeo Singh, S/o Late Megha Singh
3. Balister Singh, S/o Sri Mahadeo Singh, Both resident of village- Sipah, P.S. Basantpur, District - Siwan

.... Respondents

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Appearance :

For the Appellant : Mr. Dhirmedra Kumar Sinha, Advocate
Mr. Ram Hriday Prasad, Advocate
Miss. Maruti Kumri, Advocate

For the Respondents : Mr. S.N. Prasad (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)

3 30-11-2016 The present appeal is filed by the informant who is the victim himself, against the judgment of acquittal of two private respondents in Sessions Trial No. 430 of 2008 being judgment and order dated 27.07.2016 passed by the 5th Additional Sessions Judge, Siwan.

We have heard the learned counsel for the appellant and perused the judgment.

It appears that allegation is that respondent no.1 made murderous assault on the informant (P.W.2) in the afternoon on 25.01.2007 causing the injury on the neck alleged to be caused by

knife. The trial Court has noted that the informant (P.W.2) was immediately referred to the hospital. It is only on the next day i.e. 26.01.2007 that an injury report is drawn and it is a day thereafter i.e. 27.01.2007 that his fardbeyan is recorded by the police in the government hospital itself. To us as also to the trial court it raises a grave suspicion about the prosecution case. If a person is brought in an injured state to a government hospital, the first thing that is to be done is that an injury report is prepared and the police is informed forthwith who are always available there. The injury was not such that he had to remain hospitalized for over two days much less waiting for the police to come to record his statement. This is sufficient to discard the prosecution story.

Having perused the judgment, we are not inclined to interfere with the same. It is accordingly dismissed.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

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