

IN THE HIGH COURT OF JUDICATURE AT PATNA
Govt. Appeal (DB) No 30 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- BUXAR

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The State of Bihar through the District Magistrate, Buxar having his office at
Collectorate Compound, Buxar.

.... Appellant/s

Versus

1. Bishwanath Singh S/o Ram Hirdya Singh
2. Rabindar Singh S/o Bishwanath Singh
3. Prabhat Singh S/o Bhirgu Nath Singh
4. Rakesh Singh S/o Prashuram Singh
5. Kamlesh Singh S/o Saligram Singh
6. Umesh Singh S/o Jaswant Singh
7. Brajesh Singh S/o Jaswant Singh All residents of village Purana Bhojpur P.S.
Dumraon, District Buxar.

.... Respondent/s

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE MR JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 23-02-2017

Even though there is delay of 110 days in filing the
appeal, the same is condoned.

I A No 281 of 2017 stands disposed of.

Heard the learned counsel for the State in support of this
Government Appeal.

The trial Court has acquitted the accused persons of the
charge under Sections 304, 307, 302 of Indian Penal Code (for
brevity, IPC) though convicted under Sections 323, 337 of IPC.

We have heard the learned counsel for the State.



We are not satisfied that any interference is required. On the prosecution's own showing, people had assembled not to even assault anybody. They were forcefully removing the bricks from the boring of the informant. It is thereafter that brick batting started. This is clearly indicative of the fact that there was no intention to kill. Thus acquittal, as recorded, cannot be said to be wrong. The accused persons have been convicted for causing injuries which is sufficient in the facts and circumstances of this case.

Thus, we find no merit in this appeal. It is dismissed accordingly.

(Navaniti Prasad Singh, J)

M.E.H./-

(Vikash Jain, J)

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