

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No 1096 of 2016

Arising Out of PS.Case No. -21 Year- 1993 Thana -SHERGHATI District- GAYA

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Jatun Ram @ Jattu Das S/o Shyam Lal Ravidas, Resident of Village- Barari, Police
Station- Sherghati, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.
2. Reva Yadav,
3. Birju Yadav,
4. Ishar Yadav,
5. Munarik Yadav,
6. Bhola Yadav, all sons of Sonu Yadav, Residents of Village- Bharari, P.S.-
Sherghati, District- Gaya.

.... 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: 31-01-2017

This appeal is against judgment and order of acquittal as recorded by the Exclusive Special Court (Special Judge), Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for brevity *SC ST Act*), Gaya whereby the private respondents, five in number, have been acquitted of charges, inter alia, under Section 307 of Indian Penal Code, Section 27 of Arms Act and various sections of the SC ST Act.

The prosecution case is that the appellant (the victim) was abused and assaulted by the accused persons, one of whom also



shot him in the chest. He was grievously injured. In course of trial, about seven prosecution witnesses were examined out of whom five were either declared hostile or were hearsay witnesses. The appellant was the victim who deposed that he had been shot and assaulted and received grievous injuries. No injury report whatsoever was brought on record. The Investigating Officer was not examined. The doctor was not examined. Thus, the substantive part of the allegation, having been levelled but not proved, the Court disbelieved the prosecution story and gave benefit of doubt to the accused and acquitted them.

Having gone through the judgment, we see no reason to take a different view of the matter. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Vikash Jain, J)

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