

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No 995 of 2016

Arising Out of PS.Case No. -568 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Kamla Prajapati Son Ramadhar Prajapati Resident of Village-Khanaw,
P.S.Bhabhua, District Kaimur

.... Appellant/s

Versus

1. The State of Bihar
2. Hirawan Prajapati son of Late Bhadai Prajapati
3. Lal Bahadur Prajapati Son of Hiranman Prajapati
4. Deo Narayan Prajapati @ Deo Muni Prajapati, Son of Hiranman Prajapati
5. Sheomuni Prajapati son of Hiranman Prajapati

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Dharmendra Kr Singh, Advocate

For the Respondent/s : Mr Ajay Mishra, APP

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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: 09-01-2017

Heard learned counsel for the appellant.

This is an appeal against acquittal. The accused persons
were tried for an offence under Sections 323/34 and 307/34 of Indian
Penal Code.

The trial Court has held that the prosecution has failed
to prove the case beyond reasonable doubt and, thus, giving benefit of
doubt, has acquitted the accused persons. We see no reason to take a
different view of the matter as the facts are eloquent enough to justify



acquittal.

The appellant and the accused persons are agnates. The allegation is that the buffalo of the accused persons ate away the vegetables of the appellant which ensued into a fight between the two in which the accused persons are said to have assaulted and injured the appellant. The appellant admitted in his testimony that there were large numbers of villagers who assembled when the fight ensued and they pacified the matter but not a single independent witness was examined either in course of investigation or in Court. According to doctor, the injury on the head of the appellant was a simple injury not sufficient to cause death. It was a singular injury.

Looking to the facts as a whole, we have no reason to take a different view of the matter. This appeal is dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Vikash Jain, J)

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