

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No 924 of 2016

Arising Out of PS.Case No. -123 Year- 2002 Thana -UCHAKAGAON District- GOPALGANJ

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Babuddin Mian Son of Asin Mian Resident of Village- Jagdish Barari, Police Station- Unchakagaon in the district of Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar
2. Nijamuddin Main Son of Saffar Mian
3. Sattar Mian Son of Gadar Mian
4. Munmun Mian Son of Saffar Mian All 2 to 4 are resident of Village- Jagdish Barari , Police staton Unchakagaon in the district of Gopalganj.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Sunil Kr, 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: 27-01-2017

Heard learned counsel for the appellant.

2 This is an appeal against acquittal of the private respondents for the charges under Section 307 of Indian Penal Code (for brevity, *IPC*). They have been convicted under Section 324 of *IPC* for voluntary causing hurt by a knife which could lead to death. We have gone through the evidence.

3 The prosecution case itself was that the assailant and the injured informant are uncle and nephew. They live together.



They work together. On some issue, there was a spontaneous quarrel and the uncle is said to have stabbed the informant. When others came, the altercation aggravated. This is all the prosecution evidence.

4 The trial Court, in our view, rightly held that there was no intention to kill and the acts were not premeditated.

5 Thus, in view of the ingredients of Section 324 of IPC for which the private respondents have been convicted, having been made out, we see no reason to interfere. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Vikash Jain, J)

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