

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.218 of 2018

Arising Out of PS. Case No.-90 Year-2010 Thana- CHAINPUR District- Bhabhua (Kaimur)

Sujit Kumar Chauhan, son of Badamu Chauhan, R/O Village Nandana, P.S. Chainpur, District Kaimur at Bhabua.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Bajrangi Kanaujiya @ Sewanand, son of Swami Satyanand Ji, R/O Village- Pramha Vidhyalaya Chotaka Rajpur, P.S. Simari, District- Buxar, at present R/O Village nandana, P.W.- Chainpur, District Kaumur at Bhabua.
3. Rajesh Yadav, son of Anrudh Yadav, R/O Village Nandna, P.S. Chainpur, District Kaumur at Bhabua.
4. Lalbabu Singh, son of Baijnath Singh, R/O Village Nandana, P.S.- Chainpur, District Kaimur at Bhabua.
5. Mahtama Bed Prakasha Nand, son fo Swami Satyanand Ji, R/O Village Pramha Vidhyalaya Chotka Rajpur, P.S. Simari, District Buxar, at present R/O Village Nandana, P.S. Chainpur, District kaimur at Bhabua.
6. Awanish Kumar Singh @ Anish Kumar Singh, son of Ramashankar Singh, R/O Village Sirsi, P.S. Chainpur, District Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan, Advocate.
For the Respondent/s : Mr. Sri Satya Narayan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 27-06-2018

1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State on I.A. No. 898 of 2018 as well as on the point of admission.

2. The appellant is informant in Chainpur P.S. Case No. 90 of 2010 and the grievance of the appellant is that the



learned court below convicted the respondent nos. 2 to 6 only for the offence punishable under Sections 234/34 and 341/34 of the Indian Penal Code and released them giving benefit of Section 3 of the Probation of Offenders Act whereas there was sufficient materials to convict the respondent nos. 2 to 6 for the offence punishable under Sections 307 and 504/34 of the Indian Penal Code.

3. Submission of the appellant is that the witnesses supported the prosecution story in course of trial and the Doctor found one grievous injury on forehead of injured, Badamu Chouhan, but the learned trial court overlooked the aforesaid facts and committed error in acquitting the respondent nos. 2 to 6 of the charges framed under Section 307 of the Indian Penal Code.

4. From perusal of paragraph 11 of the impugned Judgment, we find that the learned trial court has well discussed the injury of injured persons and came to the conclusion that the C.T. Scan report has not been brought on the record nor the Doctor, who conducted the C.T. Scan, was examined by the prosecution, as a result whereof, the respondent nos. 2 to 6 did not get an opportunity to cross-examine the aforesaid Doctor. In our view, the learned trial court has given reasoning for acquitting the respondent nos. 2 to 6 of the charge framed under Section 307 of



the Indian Penal code and there is no ground to interfere into the findings of the learned trial court.

5. Accordingly, this appeal stands dismissed on admission stage itself and I.A. No. 898 of 2018 stands disposed of.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
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