

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.379 of 2018

In
Criminal Appeal (SJ) No.73 of 2018

Arising Out of PS. Case No.-435 Year-2002 Thana- KASIMBAZAR District- Munger

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{ Against the Judgment of acquittal dated 15.07.2017 passed by the Fast Track Court-II, Munger, in Sessions Trial No.828 of 2003}.

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Rajesh Kumar Singh @ Rajesh Kumar, son of Late Janardan Prasad Singh alias Janardan Singh, resident of village-Bindwara Adarsh Tola, Police Station-Kasimbazar, District-Munger.

... .. Appellant.

Versus

1. The State of Bihar.
2. Parmanand Singh.
3. Pramod Singh.
4. Pradeep Kumar Singh.
2 to 4 sons of Late Dhanik Singh.
5. Nishi Kant Singh alias Nishia, son of Parmanand Singh.
2 to 5 resident of village-Bindwara, Police Station-Kasimbazar, District-Munger.

... .. Respondents.

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Appearance :

For the Appellant	:	Mr. Rajendra Prasad Sah, Advocate.
For the State	:	Mr. Bipin Kumar, A.P.P.

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

Date : 06-08-2018

Heard learned counsel for the appellant and the learned Additional Public Prosecutor for the State.

2. The appellant has filed this criminal appeal against



the Judgment dated 15.07.2017 passed in Sessions Trial No.828 of 2003, by which and whereunder the learned trial court acquitted the respondents no.2, 3, 4 and 5 of the charges framed under Sections 307, 325 and 379 of the Indian Penal Code, though the learned trial court convicted the above stated respondents for the offences punishable under Sections 148 and 324 read with Section 149 of the Indian Penal Code and, accordingly, instead of passing major punishment, released them on execution of bonds of Rs.10,000/- for a period of one year for maintaining good behaviour under the provisions of Section 4 of the Probation of Offenders Act.

3. The appellant has filed this criminal appeal for conviction of the respondents no.2 to 5 for the offences punishable under Sections 307, 325 and 379 of the Indian Penal Code as well as for enhancement of sentence.

4. Learned counsel appearing for the appellant submits that the injured sustained grievous injury and all the witnesses supported the prosecution story but the learned trial court failed to take note of this fact that a clear cut case under Section 307 of the Indian Penal Code is made out and committed error in not convicting the respondents no.2 to 5 for the offence punishable under Section 307 of the Indian Penal



Code. He submitted that the learned trial court has taken very lenient view in awarding the punishment to the respondents no.2 to 5, which is not in accordance with law.

5. Having heard the aforesaid contentions, we went through the impugned Judgment

6. We find no force in the contentions of the learned counsel appearing for the appellant and, furthermore, we find that the learned trial court has passed a well reasoned Judgment and, therefore, there is no need to interfere into the findings of the learned trial court.

7. Accordingly, this criminal appeal along with I.A. 1037 of 2018 and 1038 of 2018 stands dismissed on the admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.08.2018.
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