

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.583 of 2018

Arising Out of PS.Case No. -17 Year- 1999 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

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Ramesh Bihari @ Ramesh Bihari Singh

.... Appellant

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant : Mr. Ajay Thakur

For the State : Dr. Mayanand Jha, APP

For the Respondent/s : Mr. Ramakant Sharma, Sr. Adv.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

and

**HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

5 09-08-2018

Heard learned counsel appearing for the appellant

and learned Additional Public Prosecutor for the State as well as

learned counsel appearing for respondents no. 2 to 9 on the point

of admission and on I.A. No. 1486 of 2018 and, in our view, this

appeal can be disposed of on admission stage itself.

The appellant was informant in Sathi P. S. Case No.

17 of 1999 which was registered against respondent nos. 2 to 9 for

the offences punishable under sections 147,148, 149, 323, 324,

341, 427, 447, 379 and 307 of the Indian Penal Code. The claim of

the appellant is that on 21.02.1999, the respondent nos. 2 to 9

stopped his tractor and not only assaulted the driver of the said



tractor but also removed battery and other material part of the tractor. Furthermore, the appellant claimed that the respondent nos. 2 to 9 assaulted him as well as his other family members by means of lethal weapon. After investigation, police submitted charge-sheet for the offences punishable under section 307 and other minor sections of the Indian Penal Code and, accordingly, the respondents no. 2 to 9 were put on trial and stood charged for the offences punishable under Section 307 read with 147 & 149 as well as other minor sections of the Indian Penal Code.

In course of trial, prosecution examined, altogether, nine witnesses and also got exhibited some documents. The statement of respondent nos. 2 to 9 was recorded under section 313 of the Cr. P. C in which the respondent nos. 2 to 9 claimed their false implication.

Learned trial Court having perused and discussed the evidences available on the record, acquitted the respondent nos. 2 to 9 of the charges, finding major contradictions in the statements of prosecution witnesses as well as failure of prosecution to prove its case beyond all shadow of reasonable doubts.

Learned counsel appearing for the appellant submits that the injured witnesses very clearly stated about the involvement of the respondent nos. 2 to 9 but learned trial court on



flimsy ground acquitted the respondent nos. 2 to 9. He submitted that, no doubt, there were some minor contradictions in the deposition of prosecution witnesses but the aforesaid minor contradictions were not of much importance but, even then, the learned trial court took notice of the aforesaid minor contradictions and acquitted the respondent nos. 2 to 9.

On the other hand, learned counsel appearing for respondent nos. 2 to 9 supported the impugned Judgment of acquittal, arguing that the prosecution, not only failed to prove the place of occurrence but also failed to prove the manner of occurrence and, moreover, the contradictory statements of prosecution witnesses created doubt about the genuineness of the prosecution story and, therefore, the learned trial court rightly acquitted the respondents no. 2 to 9 of the charges.

Having heard the contentions of both the parties, we went through the record along with lower court record. We find that the prosecution witnesses have not made contradictory statements in respect of the place of occurrence but also in respect of the manner of occurrence. The injured, Pratibha Devi, claimed that she sustained *Bhala* injury on his temple but the doctor found her injury caused by hard and blunt substance. Apart from this, learned trial court noticed several contradictions in the deposition



of prosecution witnesses and, therefore, we are of the view, that there is nothing to disturb the finding of learned trial court.

On the basis of aforesaid discussions, this Cr. Appeal as well as I.A. No. 1486 of 2018 stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

N.K/-

(Rajendra Kumar Mishra, J)

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