

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No. 1459 of 2017

Arising Out of PS.Case No. -104 Year- 2004 Thana -PARWATTA District- KHAGARIA

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Sarvesh Kumar, son of Ram Sobha Rai @ Shobha Rai @ Ram Swarath Rai,
resident of Village-Dumariya Khurd, P.S. Parbatia, District-Khagaria.

.... Appellant

Versus

1. The State of Bihar
2. Sushil Kumar, son of Umesh Rai
3. Nilesh Kumar, son of Late Upendra Rai
4. Santosh Kumar, son of Umesh Rai
5. Umesh Rai, son of Saufi Rai

All are resident of Village- Dumariya Khurd, P.S. Parbatta, District-Khagaria

.... Respondents

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Appearance :

For the Appellant/s : Mr. Binit Kumar, Adv.

For the Respondent/s : Mr. 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: 27-03-2018

Heard learned counsel for the appellant as well as learned
Additional Public Prosecutor for the State.

The appellant is informant in Parbatta P.S. Case No. 104 of
2004 and his grievance is that respondents no. 2 to 5 were wrongly
acquitted of the charge framed under Sections 307/149, 341, 504 of the
Indian Penal Code and furthermore, inadequate punishment was given to
them for the offence punishable under Sections 323/149 and 324/149 of the
Indian Penal Code.

Learned counsel appearing for the appellant submits that only
one year punishment was given to the respondents no. 2 to 5 for the offence



punishable under Section 324/149 of the Indian Penal Code. He further submits that though there was sufficient material before the trial court to convict the above stated respondents for the offence punishable under Section 307 read with Section 149 of the Indian Penal Code but the learned trial court wrongly acquitted them of the aforesaid charge.

We went through the impugned judgment. We do not find any perversity or illegality in the impugned judgment. Furthermore, we find that learned trial court came to conclusion that the injured had sustained simple injury and, therefore, the trial court convicted the respondents for the offences punishable under Sections 323/149, 324/149, 148 and 147 of the Indian Penal Code and accordingly awarded sentence to them.

Therefore, we do not find any ground to interfere into the impugned judgment of conviction and sentence order dated 28.07.2017 passed in Sessions Trial No. 260 of 2010. Accordingly, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

SHAHZAD/-

AFR/NAFR	NAFR
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