

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.41 of 2018

Arising Out of PS.Case No. -6 Year- 2016 Thana -BELCHHI District- PATNA

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1. Rajesh Kumar Singh S/o Vijendra Parasad, R/o Village- Dariyapur, P.S.-
Belchi, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. Birmani Yadav S/o Nandkishor Yadav, R/o Village- Dariyapur, P.S.-
Belchi, District- Patna.
3. Chandramani Devi W/o Nandkishor Yadav, R/o Village- Dariyapur, P.S.-
Belchi, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rakesh Kumar Sharma

For the Respondent/s : Mr. Sri Dilip Kumar Sinha

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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 19-06-2018 Heard learned counsel for the appellant as well as

learned Additional Public Prosecutor for the State on the point of

admission.

The grievance of the appellant is that the
respondent no. 2 and 3 were charged for the offence punishable
under section 302/34 of the Indian Penal Code but the learned trial
court convicted the respondent no. 2 only for the offence
punishable under section 326 of the Indian Penal Code whereas
acquitted the respondent no. 3, particularly, in the circumstance



when there was sufficient evidence available on the record to show that the deceased was killed by the respondent no. 2 and 3.

From perusal of the impugned judgment, we find that the learned trial court dealt with the evidences on the record in proper way and came to the conclusion that the respondents had no intention to kill the deceased and the occurrence took place on account of simple quarrel and in the aforesaid quarrel the respondent no. 2 gave iron rod causing head injury to the deceased which became fatal to her. The trial court has discussed all the pros and cons and we do not find any ground to interfere into the impugned judgment because there is no perversity or illegality in the impugned judgment.

Accordingly, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

N.K/-

(Rajendra Kumar Mishra, J)

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