

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.893 of 2018

Arising Out of PS. Case No.-102 Year-2008 Thana- KHAIRA District- Saran

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Satish Kumar Singh, S/o Baleshwar Singh, R/o Vill.- Chaksaraf, P.S.- Khaira,
District- Saran (Chapra).

... .. Appellant/s

Versus

1. The State of Bihar.
2. Shivrath Mahto, S/o Late Ramayan Mahto, R/o Vill.- Chaksaraf, P.S.- Khaira,
District- Saran (Chapra).

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh, Advocate.
For the Respondent/s : Mr. Sri Satya Narayan Prasad, 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 : 30-08-2018

1. Heard the parties.

2. This criminal appeal has been preferred against the Judgment dated 23.05.2018 passed in Sessions Trial No. 661 of 2009 by the learned Additional Sessions Judge-VIII, Saran (Chapra), by which and whereunder, he convicted the respondent no. 2 for the offence punishable under Sections 324/34 and 341/34 of the Indian Penal Code and acquitted the respondent no. 2 for the offence punishable under Sections 307/34 and 379/34 of the Indian Penal Code.

3. The appellant, being the informant and injured of Khaira P.S. Case No. 102 of 2008, has preferred this appeal, being aggrieved by the Judgment of acquittal of respondent no. 2 of the charges framed



under Sections 307/34 and 379/34 of the Indian Penal Code. The learned trial court found that the appellant (injured) sustained two injuries on his shoulder and out of the aforesaid two injuries, one injury was simple in nature whereas opinion regarding the another injury was kept reserved for x-ray, but the x-ray report was not placed before the trial court in course of trial. Furthermore, the trial court found that the aforesaid injuries were not on the vital part of the body of the appellant(injured) and accordingly, the trial court came to conclusion that respondent no. 2 had no intention to kill the appellant. Furthermore, the learned trial court also doubted about snatching of the belongings of the appellant and on the basis of the aforesaid discussions, acquitted the respondent no. 2 of the charges framed under Sections 307/34 and 379/34 of the Indian Penal Code.

4. We went through the impugned and we do not find any infirmity in the impugned Judgment and, accordingly, this appeal stands dismissed on admission stage.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
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