

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.140 of 2018

In
Criminal Appeal (SJ) No.3476 of 2017

Arising Out of PS. Case No.-251 Year-2007 Thana- BAHERA District- Darbhanga

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Arun Thakur @ Arun Kumar Thakur, Son of late Mahavir Thakur, Resident of
Village- Amaithi, P.S.- Bahera, District- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar.
 2. Santosh Kumar Thakur, Son of Shashi Bhushan Thakur,
 3. Lalit Kumar Thakur, Son of Shashi Bhushan Thakur,
 4. Shashi Bhushan Thakur, son of Late Ramrup Thakur,
- All are residents of Village- Amaithi, P.S. bahera, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravindra Kumar Shukla, Advocate.
For the Respondent/s : Mr. Sri Bipin Kumar, APP

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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)**

- 7 23-07-2018 1. Heard learned counsel for the appellant as well

as learned Additional Public Prosecutor for the State on I.A. No.

344 of 2018 and I.A. No. 1837 of 2018 as well as on the point of

admission.
2. This criminal appeal has been preferred against

the Judgment of acquittal dated 23.08.2017 passed by the 2nd

Additional Sessions Judge, Benipur, Darbhanga, in Sessions

Trial No. 418 of 2012, by which and whereunder, he acquitted



the respondent nos. 2, 3 and 4 of the charges framed against them for the offence punishable under Sections 307/34 and 448 of the Indian Penal Code and Sections 27 and 25(1-b)a of the Arms Act.

3. Learned counsel for the appellant submits that, in course of trial, all the eye witnesses supported the prosecution case, but learned trial court acquitted the respondent nos. 2, 3 and 4 only on the ground that informant had not sustained any injury. He further submits that to constitute an offence under Section 307 of the Indian Penal Code, it is not essential that a person must sustain injury.

4. On the other hand, learned Additional Public Prosecutor supports the impugned Judgment of acquittal arguing that the prosecution witnesses have made contradictory statements in trial court, as a result whereof, learned trial court acquitted the respondent nos. 2, 3 and 4.

5. Having heard the contentions of both the parties, we went through the impugned Judgment. We do not find any illegality or perversity in the impugned Judgment of acquittal. Furthermore, we also noticed that the witnesses made contradictory statement in trial court, which created doubt in the mind of trial court, as a result whereof, the learned court below



passed the Judgment of acquittal and, accordingly, on the basis of aforesaid discussions, we are of the view that this appeal does not have any merit and liable to be dismissed. Therefore, this appeal stands dismissed on admission stage itself and the I.A. No. 344 of 2018 and I.A. No. 1837 of 2018 stand disposed of.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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