

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.517 of 2018

In

Criminal Appeal (SJ) No.145 of 2018

Arising Out of PS. Case No.-124 Year-2011 Thana- BOCHHA District- Muzaffarpur

Nagendra Rai, son of Late Shivji Rai, resident of Village- Balia Inrajeet, P.S.-
Bochaha, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Bidya Rai, son of Chattu Rai.
3. Chattu Rai, son of Late Shivji Rai. Both resident of village- Balia Indrajeet,
P.S.- Bochaha, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Punam Shrivastava, Advocate.

For the Respondent/s : Mr. Sri Binod Bihari Singh, A.P.P.

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

and

**HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL JUDGMENT

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

Date : 19-06-2018

1. Heard learned counsel for the appellant as well as
learned Additional Public Prosecutor for the State on the point of
admission.

2. The grievance of the appellant is that respondent
nos. 2 and 3 were charged for the offence punishable under
Section 307 and other minor Sections of the Indian Penal Code,
but the learned court below convicted the respondent no. 2 for the
offence punishable under Section 323 of the Indian Penal Code



whereas convicted the respondent no. 3 for the offence punishable under Section 324 of the Indian Penal Code and ordered to execute a bond of Rs.1,000/- to keep peace for the period of one year.

3. Learned counsel for the appellant submits that the witnesses including the injured very clearly stated that the respondent nos. 2 and 3 assaulted the injured with intention to kill them, but the learned court below convicted the respondent nos. 2 and 3 in the manner as stated above without any rime and reason.

4. From perusal of the impugned Judgment, we find that the learned trial court has discussed the evidences available on the record and came to the conclusion that the respondent no. 2 committed the offence punishable under Section 323 of the Indian Penal Code whereas respondent no. 3 committed the offence punishable under section 324 of the Indian Penal Code.

5. We do not find any perversity or illegality in the impugned Judgment and, therefore, we are not inclined to interfere into the findings of the learned trial court. Accordingly, this appeal stands dismissed on admission stage.

(Hemant Kumar Srivastava, J)

(Hemant Kumar Srivastava, J)

Bhardwaj/-

AFR/NAFR	NAFR
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