

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1105 of 2018

Arising Out of PS.Case No. -6 Year- 2005 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

=====

Hari Shankar Prasad Kushwaha @ Hari Shankar Bhagat

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Sri Ajay Mishra

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)

3 26-10-2018 Heard learned counsel for the appellant as well as learned Additional Public Prosecutor for the State on the point of admission as well as I.A.No. 2724 of 2018 which has been filed on behalf of the appellant for grant of leave to file this criminal appeal.

The appellant is informant and injured and, therefore, he comes under the ambit of victim and he has right to file appeal against the impugned judgment. Accordingly, he is permitted to pursue this criminal appeal and in the aforesaid manner I.A.No. 2724 of 2018 stands allowed.

This appeal has been preferred by the appellant



against the impugned judgment and sentence order dated 10.07.2018 passed by learned Additional Sessions Judge 1st, Bagha, West Champaran by which and whereunder he acquitted the respondent nos. 2 to 8 of the charges framed under section 325/149 and 307/149 but convicted them for the offence punishable under section 147, 323 of the Indian Penal Code and released them under section 3 of Probation of Offenders Act, 1958 after due admonition.

The learned counsel for the appellant submits that the appellant had sustained grievous injury in the alleged occurrence but learned trial court did not take notice of the aforesaid fact. He further submits that the learned trial court did not give proper opportunity to the appellant to file injury report as well as to examine the concerned document.

The perusal of impugned judgment goes to show neither injury report was produced nor doctor who is said to have examined the appellant was examined by the prosecution in course of trial. The learned trial court in absence of injury report as well as statement of concerned doctor came to the conclusion that prosecution failed to prove that the appellant had sustained grievous injury and, accordingly, the learned trial court convicted the respondent nos. 2 to 8 in the manner as stated above.



We do not find any illegality, irregularity or perversity in the impugned judgment and in our view, there is no ground to interfere into the impugned judgment.

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

(Hemant Kumar Srivastava, J)

N.K/-

(Rajendra Kumar Mishra, J)

U			
---	--	--	--

