

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.206 of 2019

Arising Out of PS. Case No.-278 Year-2012 Thana- ROSERA District- Samastipur

Shanker Ram Son of Ramchandra Ram Resident of Village - Ward no. 8,
sahiyar Dih,, P.S.- Rosera, Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmvir Mahto Son of Mohan Mahto Resident of Village – Sahiyar Dih
P.S. Rosera Dist. -Samastipur.
3. Ram Sagar mahto @ Sagar Mahto S/o Mohan Mahto Resident of Village –
Sahiyar Dih P.S. Rosera Dist. -Samastipur.
4. Dhanu Mahto Son of Late Bhutu Mahto Resident of Village – Sahiyar Dih
P.S. Rosera Dist. -Samastipur.
5. Govind Mahto Son of Mohan Mahto Resident of Village – Sahiyar Dih P.S.
Rosera Dist. -Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar Singh, Advocate Mr. Pramod Kumar Singh, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, APP

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

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

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

Date : 03-05-2019

Heard learned counsel appearing for the appellant as well
as learned Additional Public Prosecutor for the State on the
point of admission and in our view, this criminal appeal can be
disposed of on admission stage itself.

The appellant happens to be informant of Rosera P.S.
Case No. 278 of 2012 and grievance of the appellant is that the
learned Trial Court vide impugned judgment dated 08.10.2018
passed in Sessions Trial No. 564 of 2013 acquitted the



respondents no. 2 to 5 from the offences punishable under Sections 307, 324 of the Indian penal Code and Section 3(i)(x) of the SC/ST (Prevention of Atrocities) Act 1989 and convicted them for lesser offences i.e. under Sections 323, 341, 504 of the Indian Penal Code and furthermore, released them under Section 3 of Probation of Offenders Act.

Learned counsel appearing for the appellant submits that the learned Trial Court failed to take note of this fact that the appellant and two others sustained injury and appellant as well as one other injured were referred to P.M.C.H., as their injury was serious in nature. He further submitted that the appellant produced the documents of his treatment before the learned Trial Court but unfortunately, the aforesaid documents could not be exhibited and taking advantage of the aforesaid lacuna, the learned Trial Court acquitted the respondents no. 2 to 5 from the offence punishable under Section 307 of the Indian Penal Code. Further submission is that there was sufficient evidence to prove that respondents no. 2 to 5 had committed the offence punishable under Section 3(i)(x) of SC/ST (Prevention of Atrocities) Act 1989.

On the other hand, learned Additional Public Prosecutor has supported the impugned judgment pointing out that the



appellant and two other injured were examined by P.W. 9 but no X- Ray report was produced before P.W. 9. As a result of which P.W. 9 did not give his final opinion regarding injury sustained by the injured. He submits that the learned Trial Court taking note of the aforesaid fact came to conclusion that appellant and other injured had sustained simple injury. He further submitted that there is nothing in the impugned order to show that any documents relating to treatment of appellant and other injured were produced before the Trial Court. Therefore, there is no need to interfere into the impugned judgment.

Having heard the contentions of both the parties, we went through the impugned judgment. We find that the learned Trial Court has passed a well discussed and well thought judgment and there is no scope to interfere into the impugned judgment. Hence, on the basis of the aforesaid discussions, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	
Transmission Date	

