

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.369 of 2019

Arising Out of PS. Case No.-17 Year-2004 Thana- ARA MUFFSIL District- Bhojpur

Anil Ram, aged about 60 years, Male, Son of Sri Narad Muni Prasad Resident
of Village-Dhamar, P.S.-Ara Muffasil, District-Bhojpur.

... .. Appellant

Versus

1. The State Of Bihar
2. Mahendra Ram @ Matendra Ram Son of Lallan Ram @ Lallu Ram
3. Dwarika Ram
4. Mundrka Ram
5. Sonalik Ram

All Son of Mahendra Ram Resident of Village-Dhamar, P.S.-Ara Muffasil,
District-Bhojpur.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Rajani Ranjan Pd. Singh
For the Respondent/s	:	Mr.Ajay Mishra

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

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

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

Date : 04-07-2019

1. 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 appeal can be disposed of on admission stage itself.

2. The appellant is aggrieved by acquittal of respondents no. 2 to 5 which has been passed by learned Presiding



Officer, Fast Track Court No. 1, Bhojpur, Ara on 16.01.2019 in Sessions Case No. 38 of 2006.

3. The respondents no. 2 to 5 were charged for the offences punishable under Sections 307/34, 341, 448/34, 323/34, 324/34 and 504/34 of the I.P.C. In course of trial, prosecution examined seven witnesses to prove the charges.

4. The learned trial court scrutinized the prosecution evidence and came to conclusion that prosecution could not succeed to prove its case beyond all shadow of reasonable doubts.

5. Learned counsel appearing for the appellant submits that injured very clearly supported the prosecution case but the learned trial court discarded the statement of injured on flimsy ground. He submits that the learned trial court did not give opportunity to prosecution to examine the doctor and investigating officer but from perusal of impugned judgment we do not find force in the contention of learned counsel of the appellant as para 14 of the impugned judgment goes to show that the learned trial court noted that according to prosecution case, PW-1 and PW-7 had witnessed the alleged occurrence but in course of trial, PW-7 did not support the prosecution case and stated that he knew nothing about the alleged occurrence and so far as PW-1 is concerned, the learned trial court doubted his testimony on the



ground that no injury report was brought in evidence by the prosecution. Therefore, we find that there is no perversity or absurdity in the impugned judgment and there is no need to interfere into the impugned judgment by this appellate court.

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

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

shahzad/-

AFR/NAFR	A.F.R.
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