

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.345 of 2019**

Arising Out of PS. Case No.-224 Year-2010 Thana- BIHPUR District- Bhagalpur

Ranvir Jha Son of Late Sri Narayan Jha, Resident of Village Chakarmi, P.S.
Bhawanipur, O.P.(Bihpur), District- Bhagalpur. Appellant/s
Versus

1. The State of Bihar
2. Dharmapati Jha, Son of late Kripa Narayan Jha, Resident of Village Chakrami, P.S.- Bihpur, District- Bhagalpur.
3. Rupam Devi, Wife of Dharmapati Jha Resident of Village Chakrami, P.S.- Bihpur, District- Bhagalpur.
4. Bipin Jha, Son of Late Krityanand Jha, Resident of Village Chakrami, P.S.- Bihpur, District- Bhagalpur.
5. Nitnanand Jha, Son of Late Mahanand Jha, Resident of Village Chakrami, P.S.- Bihpur, District- Bhagalpur.
6. Keshav Kumar Jha, son of late Baleshwar Jha, Resident of Village Chakrami, P.S.- Bihpur, District- Bhagalpur.
7. Akhilanand Jha, Son of Late Devendra Narayan Jha, Resident of Village Chakrami, P.S.- Bihpur, District- Bhagalpur.
8. Bigyan Jha, Son of Late Sadanand Jha, Resident of Village Chakrami, P.S.- Bihpur, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar Sinha, Advocate Mr. Rajiv Kumar Singh, Advocate
For the Respondent/s	:	Mr. Ashwini Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)**

Date : 07-05-2019

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.

2. The appellant is aggrieved by the acquittal of



respondents no. 2 to 8 who faced trial in Sessions Trial No. 604 of 2011 and the learned Additional Sessions Judge II, Naugachhiya vide impugned judgment dated 21.01.2019 acquitted the respondents no. 2 to 8 from the charges framed against them for the offences punishable under Sections 341,323,324,337,338,307, 387, 504 and 506 of the Indian Penal Code giving benefit of doubt.

3. Learned counsel appearing for the appellant submits that prosecution witnesses specifically injured of the case stated before the learned Trial Court that it were respondents no. 2 to 8 who assaulted him and the Doctor who was examined as P.W. 6 proved the injuries of injured but the learned Trial Court having taken note of minor contradictions in the depositions of prosecution witnesses, passed the judgment of acquittal which is not in accordance with law.

4. The perusal of the impugned judgment goes to show that the learned Trial Court discussed the prosecution evidences and found that the prosecution witnesses made contradictory statements on the point of assault as some prosecution witnesses claimed that injured sustained injury by a brick whereas some prosecution witnesses claimed that injured sustained injury on his head by dagger. Furthermore, the learned Trial Court also



noticed that the prosecution could not succeed to prove the place of occurrence beyond shadow of doubt.

5. It is well settled principle of law that prosecution case cannot be doubted only on the basis that the witnesses examined by the prosecution are interested witnesses, but it is also settled principle of law that if the credibility of interested witnesses appears to be doubtful, the Court can reject the prosecution case on the ground of examination of only interested witnesses.

6. In the present case the learned Trial Court having noticed the contradictory statements of prosecution witnesses and also taking note of this fact that the prosecution witnesses are interested witnesses, passed the judgment of acquittal giving benefit of doubt to respondents no. 2 to 8 and, therefore, in our view there is no need to interfere into the impugned judgment of acquittal. Accordingly, this appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

Prakash/Sushma

AFR/NAFR	AFR
CAV DATE	
Uploading Date	
Transmission Date	

