

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.376 of 2019

Arising Out of PS. Case No.-45 Year-2011 Thana- RAMGARHWA District- East Champaran

Bachchan Yadav, aged about 38 years, Male, Son of Late Gorakh Yadav
Resident of Village- Ahirwalia Tola Rakhwaria, P.O.Singashani, P.S.
Ramgarhwa, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhansi Yadav, aged about 34 years, Male, Son of Late Ganesh Yadav
Resident of Village- Ahirwalia Tola Rakhwaria, P.O.- Singashani, P.S.-
Ramgarhwa, District- East Champaran
3. Jitendra Yadav, aged about 32 years, Male, Son of Late Ganesh Yadav
Resident of Village- Ahirwalia Tola Rakhwaria, P.O.- Singashani, P.S.-
Ramgarhwa, District- East Champaran
4. Madan Yadav, aged about 51 years, Male, Son of Late Ganesh yadav
Resident of Village- Ahirwalia Tola Rakhwaria, P.O.- Singashani, P.S.-
Ramgarhwa, District- East Champaran
5. Sikandar Yadav, aged about 30 years, Male, Son of Late Ganesh Yadav
Resident of Village- Ahirwalia Tola Rakhwaria, P.O.- Singashani, P.S.-
Ramgarhwa, District- East Champaran
6. Munna Yadav, aged about 36 years, Male, Son of Late Ganesh Yadav
Resident of Village- Ahirwalia Tola Rakhwaria, P.O.- Singashani, P.S.-
Ramgarhwa, District- East Champaran
7. Paryag Yadav, aged about 40 years, Male, Son of Late Suraj Yadav Resident
of Village- Ahirwalia Tola Rakhwaria, P.O.- Singashani, P.S.- Ramgarhwa,
District- East Champaran
8. Nawal Yadav, aged about 35 years, Male, Son of Late Suraj Yadav Resident
of Village- Ahirwalia Tola Rakhwaria, P.O.- Singashani, P.S.- Ramgarhwa,
District- East Champaran
9. Jay Prakash Yadav, aged about 28 years, Male, Son of Late Suraj Yadav
Resident of Village- Ahirwalia Tola Rakhwaria, P.O.- Singashani, P.S.-
Ramgarhwa, District- East Champaran
10. Baidnath Yadav, aged about 45 years, Male, Son of Late Suraj Yadav
Resident of Village- Ahirwalia Tola Rakhwaria, P.O.- Singashani, P.S.-
Ramgarhwa, District- East Champaran
11. Birendra Yadav, aged about 35 years, Male, Son of Late Chokat Yadav
Resident of Village- Ahirwalia Tola Rakhwaria, P.O.- Singashani, P.S.-
Ramgarhwa, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Adya Singh
For the Respondent/s : Mr.Abhimanyu Sharma



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

Date : 16-05-2019

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 grievance of the appellant is that the learned Trial Court convicted the respondents no. 2 to 11 only for the offences punishable under Sections 147 and 323 of the Indian Penal Code, whereas, there was sufficient material to hold guilty to the above stated respondents no. 2 to 11 for the offence punishable under Section 307 of the Indian Penal Code as the informant admittedly sustained grievous injury.

3. However, from perusal of the impugned judgment, we do not find any force in the contention of learned counsel of the appellant. No doubt two injuries were found on the person of injured and the doctor claimed that one of the injuries, which was found on thumb of the injured, was grievous in nature but learned Trial Court refused to believe on the statement of the doctor as the X-Ray report was not placed before the learned Trial Court and the



doctor admitted in his cross examination that he based his opinion on the X-ray report. Furthermore, we find that one injury was found on the head of injured but the aforesaid injury was simple in nature, and is said to be caused by hard and blunt substance. Therefore, in our view, the learned Trial Court has rightly declined to convict the respondents no. 2 to 11 for the offence punishable under Section 307 of the Indian Penal Code.

4. Accordingly, we do not find any merit in this criminal appeal and hence, this appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

Sushma/Prakash

AFR/NAFR	AFR
CAV DATE	
Uploading Date	18.6.2019
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