

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.515 of 2019

In
CRIMINAL APPEAL (SJ) No.4335 of 2018

Arising Out of P.S. Case No.-210 Year-2011 Thana- SAHEBPUR KAMAL District-
Begusarai

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MAKESHWAR PRASAD SINGH S/o Late Jato Singh R/o village- Papraura,
P.S.- S. Kamal, District- Begusarai

... .. Appellant

Versus

1. The State of Bihar
2. Madan Mohan Singh S/o Late Udgar Singh RESIDENT OF VILLAGE-PAROURA, P.S. -S. KAMAL. DIST- BEGUSARAI
3. Ram Pravesh Singh S/o Late Udgar Singh RESIDENT OF VILLAGE-PAROURA, P.S. -S. KAMAL. DIST- BEGUSARAI
4. Chhotu Singh S/o Madan Mohan Singh RESIDENT OF VILLAGE-PAROURA, P.S. -S. KAMAL. DIST- BEGUSARAI
5. Prem Shankar Singh S/o Late Bindeshwar Singh RESIDENT OF VILLAGE-PAROURA, P.S. -S. KAMAL. DIST- BEGUSARAI
6. Baikunth Singh S/o Late Ramswaroop Singh RESIDENT OF VILLAGE-PAROURA, P.S. -S. KAMAL. DIST- BEGUSARAI
7. Raju Singh S/o Baidunth Singh RESIDENT OF VILLAGE-PAROURA, P.S. -S. KAMAL. DIST- BEGUSARAI
8. Pintu Singh S/o Shibo Singh RESIDENT OF VILLAGE-PAROURA, P.S. -S. KAMAL. DIST- BEGUSARAI
9. Nunu Singh S/o Baikunth Singh RESIDENT OF VILLAGE-PAROURA, P.S. -S. KAMAL. DIST- BEGUSARAI
10. Navin Singh S/o Madan Mohan Singh RESIDENT OF VILLAGE-PAROURA, P.S. -S. KAMAL. DIST- BEGUSARAI

... .. Respondents

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Appearance :

For the Appellant : Mr. Amrendra Kumar, Advocate
For the Respondents : Mr. Binod Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)



5 03-09-2019

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

2. The appellant is aggrieved by the impugned judgment dated 20.08.2018 passed by learned Additional Sessions Judge, Begusarai in Sessions Trial No.497 of 2014 by which and whereunder the learned trial Court convicted the respondent nos.2 to 10 for the offences punishable under Sections 147, 323, 504 read with Section 149 of the Indian Penal Code instead of convicting them for the offence punishable under Section 307 read with Section 149 of the Indian Penal Code.

3. The learned counsel appearing for the appellant submits that para-13 of the impugned judgment goes to show that two injuries were found on the head of injured and the witnesses claimed that the respondent nos.2 to 10 used knife and butt of pistol for causing aforesaid injury. Learned counsel for the appellant submits that there was repeated blows on the vital part of the body but even then, the learned trial Court acquitted the respondent nos.2 to 10 from the charge of Section 307 of the Indian Penal Code.



4. On contrary, learned Additional Public Prosecutor supported the impugned judgment submitting that the learned trial Court has passed a well discussed and well thought judgment.

5. Having heard the contention of the parties, we went through the impugned judgment. The perusal of para-13 of the impugned judgment goes to show that two injuries were found on skull of injured but the aforesaid injuries were simple in nature and caused by hard and blunt substance. The learned trial Court has discussed all the pros and cons of the case and, thereafter, came to conclusion that the offence under Section 307 of the Indian Penal Code is not made out against the respondent nos.2 to 10.

6. We do not find any ground to interfere into the impugned judgment and, accordingly, this appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

B.Kr./-

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