

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.211 of 2016**

Arising Out of PS. Case No.-79 Year-1987 Thana- SASARAM NAGAR District- Rohtas

1. Manoj Singh son of Late Girja Prasad Singh, resident of Village- Baur, P.S.- Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jit Narayan Singh, son of Paras Nath Singh, resident of Village- Baur, P.S.- Kargahar, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay
For the Respondent/s : Mr. Pronati Singhapp

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

6 25-04-2019 This application has been filed against the order dated 12.06.2014 passed by the Jevenile Justice Board, Rohtas at Sasaram in J.J.B. No. 61 of 2014 arising out of Sasaram P.S. Case No. 79/87 by which the opposite party no.2 has been acquitted by the Juvenile Justice Board.

Ground for assailing the order is that the learned Juvenile Justice Board has not properly appreciated the evidences of the witnesses and acquitted the opposite party no.2, whereas there are evidences available on record that it was the petitioner and his father, who assaulted the deceased by rod (Lohbanda), as such the order is not sustainable in the eyes of law.



Heard learned A.P.P. as well as learned counsel for the opposite party no.2, who has pointed out that in this case neither the informant has been examined nor the doctor has been examined and even I.O. has not been examined and no doubt the informant has died during the pendency of the trial, but non-examination of the doctor is also vital as the defence has not get a chance of examine him about the cause of death as well as the nature of injury and the weapon used in the occurrence and even postmortem report has not been brought on record and apart from that as there were some contradictions and I.O. has not been examined and i.e. also vital and as such, no purpose will be served by setting-aside the order and sending it back for retrial.

Having heard both sides and on perusal of record, it appears that neither the informant has been examined nor the doctor has been examined and even the postmortem report has not been brought on record and even I.O. has also not been examined and there is contradiction with respect to use of weapon by the opposite party no.2 and in the above background, examination of I.O. appears to be essential to confront him with earlier statement made before him and further informant has also not been examined, as such I find force in the argument of opposite party no.2 that no useful purpose will be served by



setting-aside the order.

In such view of the matter, I find no merit in this application. Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

Amjad/-

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