

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1923 of 2017**

Arising Out of PS. Case No.-52 Year-2014 Thana- AGIAON District- Bhojpur

Mintu @ Tulsi Rai Son of Late Birendra Rai, resident of Village- Agiaun,
P.S.- Agiaun, District- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar, Adv.
For the State	:	Mr. Sujit Kumar Singh, APP
For the Informant	:	Mr. Praveen Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL JUDGMENT**

Date : 10-04-2019

1. Sole appellant Mintu @ Tulsi Rai has been found guilty for an offence punishable under Section 307 IPC and sentenced to undergo R.I. for ten years as well as to pay fine appertaining to Rs.5000/- and in default thereof, to undergo S.I. for two months, additionally, under Section 27 of the Arms Act and sentenced to undergo R.I. for three years as well as to pay fine appertaining to Rs.2000/- in default thereof to undergo S.I. for one month, additionally, with a further direction to run the sentences concurrently vide judgment of conviction dated 16.05.2017 and order of sentence dated 20.05.2017 passed by Sixth Additional Sessions Judge, Bhojpur at Arrah in Sessions Trial No.247/2014 .

2. Banaras Rai (PW.4) while was admitted at P.M.C.H. gave his fardbeyan on 25.05.2014 at about 08.05 AM at ICU Ward disclosing therein that on the preceding evening that



means to say on 24.05.2014 at about 08.30 P.M., being invited on the eve of the marriage of grand daughter of Sheo Pujan Rai his co-villager he was there sitting over the chair. There was sufficient light. At that very moment, Mintu @ Tulsi aged about 28 years, son of Late Birendra Rai, his co-villager came near him, took out pistol and fired causing injury below his chest (left side). He rolled. There was ruckus and during course thereof, Mintu @ Tulsi managed to escape. His brother Satyendra Rai along with co-villager lifted him to Sadar Hospital, Ara on a vehicle where he was examined and then, referred to PMCH where he is being treated. Shashi Ranjan (not examined), Dhananjay Kumar (not examined) and Arvind Kumar (not examined) stood as an FIR attesting witness.

3. After registration of Agiaun P.S. Case No.52/2014, investigation followed and completing the same, charge sheet has been submitted facilitating the trial meeting with the ultimate result, subject matter of instant appeal.

4. Defence case as is evident from mode of cross-examination as well as statement recorded under Section 313 of the Cr.P.C. is that of complete denial. It has further been pleaded that during course of procession of Barat coming towards the place of bride, there was firing at the both end and during course



