

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1335 of 2019

Arising Out of PS. Case No.-79 Year-2004 Thana- EKANGARSARAI District- Nalanda

Rajeev Kumar @ Rajeev Kumar Singh Son of Ram Pravesh Singh Resident of Village - Nischalganj, P.S.- Ekangarsarai, Distt.- Nalanda at Present residing at 43/B, Murari Nagar, P.S.- Khurja, Distt.- Bulandshahr (U.P.).

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Bilash Singh Son of Late Babu Ram Singh, Resident of Village - Nischalganj, P.S.- Ekangarsarai, Distt.- Nalanda.
3. Indu Bhushan Singh Son of Ram Bilash Singh, Resident of Village - Nischalganj, P.S.- Ekangarsarai, Distt.- Nalanda.
4. Tarkeshwar Prasad Singh Son of Ram Bilash Singh, Resident of Village - Mallick Swarai, P.S.- Islampur, Distt.- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Singh
For the Respondent/s : Mr.Ashwani Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

2 14-11-2019 Heard learned counsel for the appellant and learned counsel for the State.

2. In this case, the appellant is challenging the order dated 30.08.2019 passed by learned 2nd Additional Sessions Judge in Sessions Trial No.735 of 2005, arising out of Ekangarsarai P.S. Case No.79 of 2004 for offences under sections 323/34, 324/34, 326/34 and 327/34 of the Indian Penal Code.



3. Allegation has been made that on 27.03.2004 at about 4:00 P.M., the informant has given the statement in the Magadh Hospital which comes in the jurisdiction of Kadamkuan Police Station, stating therein that on account of the land dispute with respect to construction of wall, the accused persons assaulted the victim and the specific allegation has been made against Indu Bhushan Singh to have caused injury by the blunt side of Farsa. The court below has consider the every aspect of the matter, including the statement of the doctor who has been examined as P.W. 7. The prosecution has failed to produce the material to show that after referring the respondent about his treatment in the Magadh Hospital inasmuch as they have also failed to produce the injury report, corroborating material.

4. In such view of the matter, this Court does not find any merit in this appeal and the same is accordingly dismissed.

(Shivaji Pandey, J)

(Prabhat Kumar Singh, J)

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