

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.183 of 2022

Arising Out of PS. Case No.-160 Year-2003 Thana- PHULPARAS District- Madhubani

Vivekanand Yadav, Son of Late Rameshwar Yadav Resident of Village-
Kauriya Tole, P.S.- Phulparas, District- Madhubani.

... .. Appellant

Versus

1. The State of Bihar
2. Nirbhay Barnait, Son of Bindeshwar Barnait Resident of Kauriya Tole, P.S.-
Phulparas, District- Madhubani.
3. Niko Barnait, Son of Bindeshwar Barnait Resident of Kauriya Tole, P.S.-
Phulparas, District- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Lakshmindra Kumar Yadav, Advocate Mr. Prabhu Narayan Prabhakar, Advocate
For the State	:	Mr. Sujit Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

4 12-09-2022 Heard Mr. Lakshmindra Kumar Yadav, learned
counsel along with Mr. Prabhu Narayan Prabhakar, learned
counsel for the appellant and Sujit Kumar Singh learned A.P.P
for the State.

2. The appellant has moved the Court being aggrieved
by the acquittal of the opposite parties no. 2 and 3 under
Sections 379, 411, 307 and 504/34 of the Indian Penal Code.

3. Learned counsel for the appellant submitted that
though there was brutal assault by the opposite parties no. 2 and



3, but they have only been convicted under Sections 341 and 323 of the I.P.C., whereas acquitted of charges under Sections 379, 411, 307 and 504/34 of the Indian Penal Code. Learned counsel submitted that there was injury on the head and thus the Court ought to have convicted the opposite parties no. 2 and 3 under section 307 of the Indian Penal Code also.

4. Learned A.P.P submitted that the judgment is well discussed and as in the Medical Report only contusion on the head and injury in the base of the little finger of the left hand caused by hard and blunt substance has been recorded, rightly the conviction has been made only under Sections 341 and 323 of the Indian Penal Code.

5. Having considered the submissions of the learned counsel for the parties and having gone through the judgment impugned and the reasoning therein, the Court does not find any ground to interfere.

6. Accordingly, the appeal stands dismissed.

(Ahsanuddin Amanullah, J)

(Purnendu Singh, J)

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