

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.861 of 2022

Arising Out of PS. Case No.-306 Year-2016 Thana- BHABHUA District- Kaimur (Bhabua)

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RAMPRATAP DIWEDI S/O RAMCHANDRA DUBEY R/o village-
Sapnautiya, P.S.- Sonahan, District- Kaimur

... .. Appellant/s

Versus

1. The State of Bihar
2. GAURAV DWIWEDI S/O UDAY PRATAP DWIVEDI, AGED ABOUT 21 YEARS, BIHAR
3. SAURAV DWIVEDI S/O UDAY PRATAP DWIVEDI, AGED ABOUT 22 YEARS, BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Satyendra Pandey, Adv.
For the Respondent/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 13-10-2022 Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.

This appeal has been filed for setting aside the order dated 17.11.2021 passed by the Juvenile Justice Board, Kaimur, Bhabhua in connection with Juvenile Case No. 487 of 2019, G.R. No. 1198 of 2016 whereby and whereunder the respondent nos. 2 and 3 have been acquitted from the charge of the Sections 147, 148, 149, 341, 323, 307 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

Submission of the learned counsel for the appellant is that the Court below has failed to consider the fact that all the



prosecution witnesses have fully supported the prosecution case. The Court below has further failed to consider that the informant, his brother and his father sustained injuries at the hands of the respondent nos. 2 and 3, as stated by the witnesses.

Learned A.P.P. for the State opposes the appeal and submits that during the course of trial, the Investigating Officer and the Doctor have not been examined by the prosecution. Further he submits that no medical evidence has been found which shows that the prosecution side has sustained injuries. Both the parties belong to the same family and are having land dispute. He also submits that the respondents have no criminal antecedent. They are well educated and in good job.

Having considered the submissions advanced on behalf of the parties, this Court does not find any error in the order passed by the learned Court below. Accordingly, the appeal is dismissed being devoid of any merit at the stage of admission itself.

(Arvind Srivastava, J)

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