

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.761 of 2019

Arising Out of PS. Case No.-106 Year-2012 Thana- MAHARAJGANJ District- Siwan

Munilal Kushwaha @ Munilal Prasad @ Munilal Mahato @ Munni Lal Kushwaha, aged about 68 years (Male), S/O - Late Rampujan Mahto, resident of Village- Deona, P.S.- Maharajganj, District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
 2. Lal Bihari Kushwaha, aged about 65 years (Male) Son of Late Niranjana Prasad
 3. Ashok Kushwaha, aged about 40 years (Male), Son of Lal Bihari Kushwaha
 4. Raju Kushwaha, aged about 36 years (Male), Son of Lal Bihari Kushwaha
- Respondents No.2 to 4 are residents of Village- Deona, P.S. - Maharajganj, District- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bijay Prakash Singh, Advocate Mr. Prakash Chandra, Advocate
For the State	:	Mr. Abhimanyu Sharma, A.P.P.

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

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

9 08-09-2022 Heard Mr. Bijay Prakash Singh, learned counsel along with Mr. Prakash Chandra, learned counsel for the appellant and Mr. Abhimanyu Sharma, learned A.P.P. for the State.

2. The present appeal is directed against the judgment and order of acquittal of respondents no. 2 to 4 dated 12.03.2019 in Session Trial No. 320 of 2013 arising out of Maharajganj P.S. Case No. 106 of 2012 passed by the learned Additional District and Sessions Judge-III, Siwan.



3. The appellant is the informant of Maharajganj P.S.
Case No. 106 of 2012 instituted against the respondents no. 2 to
4. Upon trial, they have been acquitted.

4. Learned counsel for the appellant submits that he is
the informant and was injured and the injury was on the head
but by the impugned judgment, the Court below has acquitted
the respondents no. 2 to 4 only on the ground that there was
discrepancy in date of the injury report.

5. Having perused the judgment, even if it is accepted
that the injury report relates to the date of occurrence i.e.,
17.05.2012 and not the date on which it has been signed i.e.,
22.05.2012, the same reveals only skin deep injury on the head.
Moreover, there has not been any repeated blow by the accused
and they have faced trial for seven years. Thus, on an overall
circumspection of the facts and circumstances of the case, the
Court does not find any ground to interfere in the judgment
impugned.

6. Accordingly, the appeal stands dismissed.

(Ahsanuddin Amanullah, J)

(Purnendu Singh, J)

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