

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.251 of 2021

Arising Out of PS. Case No.-87 Year-2016 Thana- BANGAWON District- Saharsa

Manoj Kumar Singh Son of Late Rampukar Singh, Resident of Village-
Rahuamani, P.S. Bangaon, District - Saharsa.

... .. Appellant

Versus

1. The State of Bihar.
2. Shushil Kumar Singh Son of Hari Prasad Singh Resident of Village
Rahuamani, P.S. Bangaon, District - Saharsa.
3. Anil Singh Son of Hari Prasad Singh Resident of Village Rahuamani, P.S.
Bangaon, District - Saharsa.
4. Madan Singh Son of Late Tilakeshwar Singh Resident of Village
Rahuamani, P.S. Bangaon, District - Saharsa.
5. Rituraj Singh @ Rituraj Kumar Singh Son of Anil Singh Resident of Village
Rahuamani, P.S. Bangaon, District - Saharsa.

... .. Respondents

Appearance :

For the Appellant	:	Ms. Geeta Kumari, Advocate Mr. Pramod Mishra, Advocate
For the Respondents	:	Mr. Abhimanyu Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)

Date : 12-11-2024

Heard Ms. Geeta Kumari, the learned counsel

for the appellant and Mr. Abhimanyu Sharma, the learned

Additional Public Prosecutor for the State.

2. The present appeal has been preferred

under Section 372 of the Code of Criminal Procedure (for



brevity, “Cr.P.C.”) by the appellant Manoj Kumar Singh, who is also the informant in the present Bangaon Police Station Case No. 87 of 2016 against the judgment of conviction and order of sentence dated 25.02.2021 passed by the learned Court of Fast Track Court, Saharsa in connection with Sessions Trial No. 50 of 2018 and 51 of 2018, arising out of Bangaon Police Station Case No. 87 of 2016, whereby and whereunder the learned trial Court has found the respondent nos. 2 to 5 guilty for the offence punishable under Section 323 of the Indian Penal Code (for brevity, “IPC”) and the learned Trial Court has not found the respondent nos. 2 to 5 guilty under Sections 307, 341, 504 and 34 of the IPC.

3. According to the prosecution case, the informant (appellant) had given his *fardbeyan* before the Bangaon Police Station on 29.10.2016 alleging therein that while cleaning of his door, respondent nos. 2 to 5, variously armed, arrived at his door and told him that his land is in the western part of the road and directed the



informant (appellant) to go there. When the informant refused to do the same, one Sunil Singh ordered to kill the informant (appellant). Thereafter, all the accused persons (including respondents) assaulted the informant (appellant) and upon raising *halla*, when his family members came to his rescue, they were also assaulted by the accused persons.

4. The informant (appellant) filed a written application narrating the above incident which with the formal FIR bearing Bangaon Police Station Case No. 87 of 2016 dated 25.02.2021 having registered under Sections 323, 307, 504, 341 and 34 of the IPC.

5. The police after investigation, submitted chargesheet whereupon cognizance was taken on 07.04.2017. Thereafter, the case was committed to the Court of Sessions on 24.03.2018.

6. The Sessions Trial No. 50 of 2018 was registered and after sometime another Sessions Trial No. 51 of 2018 was registered against some of the other co-



accused persons vide order dated 20.11.2018. Both the Sessions Trials, i.e., Session Trial No. 50 of 2018 and Session Trial No. 51 of 2018 were amalgamated.

7. The learned Trial Court after having examined ten witnesses on behalf of the prosecution, acquitted the respondent nos. 2 to 5 under Sections 307, 504, 341 and 34 of the IPC.

8. The learned Trial Court tested the entire evidence based on the cardinal principles and chose to acquit the respondents.

9. It appears from the records that there is case and counter case between the parties and due to admitted land dispute, the present occurrence had taken place. Although, witnesses have supported the case of the prosecution. However, on bare perusal of the report of the doctor, it becomes clear that the informant (appellant) and other persons had received simple injuries caused by hard and blunt substance. The respondent's side also received injuries.



10. The learned Trial Court came to the conclusion that from the manner of occurrence that the respondents were guilty under Section 323 of the IPC. After a careful examination of all the witnesses, the learned Trial Court did not find the respondents guilty under Sections 307, 504, 341 and 34 of the IPC.

11. The learned counsel for the appellant (informant) has submitted that the judgment in question was passed arbitrarily and in a hurry without proper consideration of evidence leading to miscarriage of justice.

12. It appears from the deposition of the witnesses that all of them had supported the case of the prosecution. It was admitted that the informant (appellant) and his other family members received simple injuries. The learned Trial Court gave the benefit of Section 3 of the Probation of Offenders Act, 1958 to the respondent nos. 2 to 5 for good reasons.

13. In view of the aforesaid, the judgment



deserves no interference by this Court.

14. Not finding any reason to interfere with the judgment of the acquittal of respondent nos. 2 to 5, we dismiss this appeal.

(Rajesh Kumar Verma, J)

(Ashutosh Kumar, J)

Shahnawaz/-

AFR/NAFR	NAFR
CAV DATE	NA
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