

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1216 of 2024

Arising Out of PS. Case No.-134 Year-2010 Thana- PANDAUL District- Madhubani

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Ram Jatan Yadav, Son of Late Sukhdeo Yadav, Resident of Village – Baturi,
Andah (Manmohanpur), P.S. - Pandaul, District - Madhubani (Bihar)

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Madhu Yadav Son of Late Lakshmi Yadav Resident of Village - Baturi,
Andah (Manmohanpur), P.S. - Pandaul, District - Madhubani (Bihar)
- 3. Shila Devi @ Sheela Devi Wife of Madhu Yadav Resident of Village -
Baturi, Andah (Manmohanpur), P.S. - Pandaul, District - Madhubani (Bihar)
- 4. Ram Gulam Yadav Son of Late Raghuni Yadav Resident of Village - Baturi,
Andah (Manmohanpur), P.S. - Pandaul, District - Madhubani (Bihar)
- 5. Arun Yadav Son of Kunj Bihari Yadav Resident of Village - Baturi, Andah
(Manmohanpur), P.S. - Pandaul, District - Madhubani (Bihar)
- 6. Rajiv Yadav Son of Madhu Yadav Resident of Village - Baturi, Andah
(Manmohanpur), P.S. - Pandaul, District - Madhubani (Bihar)
- 7. Rajesh Yadav Son of Madhu Yadav Resident of Village - Baturi, Andah
(Manmohanpur), P.S. - Pandaul, District - Madhubani (Bihar)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashi Nath Jha, Advocate
For the Respondent/s : Mr. Bipin Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY
ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 17-12-2024

We have heard Mr. Shashi Nath Jha, the learned Advocate for the appellant/informant and Mr. Bipin Kumar, the learned APP for the State.

2. The appellant/informant is aggrieved by the judgment and order of acquittal dated 03.07.2024, passed in Sessions Trial No. 141 of 2012, arising out of Pandaul P.S. Case No. 134 of 2010, by the learned Sessions Judge, Madhubani, whereby respondent Nos. 2 to 7 have been acquitted of all the charges levelled against them.

3. According to him, the Trial Court has employed unacceptable reasons for doubting the prosecution case. According to his accusation, while he was going to his field and saw that an attempt was being made by respondent No. 2 to encroach upon his land, he objected. This led to the other respondents assaulting him.



4. Mr. Jha has further pointed out that the informant/appellant was injured in the occurrence and had suffered seven wounds; one being a sharp wound over the left parieto-frontal area of a big dimension. There were lacerated wounds on left arm, little finger and index finger. Severe bleeding from the wounds was also reported.

5. In view of the afore-noted medical report of the informant/appellant, it was not in the fitness of things that the Trial Court should have discarded the prosecution case on grounds which are non-existent.

6. Listing the grounds on which the judgment of acquittal has been delivered, Mr. Jha has submitted that what has weighed with the Trial Court, though erroneously, is that there is some difference in the time and place of occurrence as suggested by the witnesses; the Doctor who examined the informant on the same day of the occurrence did not give details whether the wounds found on the body of the informant were stitched,



suggesting any earlier treatment given to him before he was produced before the Doctor who medically examined him; and the Investigator having made a statement that he had received the injury report before he proceeded to the Primary Health Centre and recorded the statement of the appellant/informant at 02:00 P.M. Even with respect to the manner of occurrence, Mr. Jha has pointed out that minor inconsistencies in the deposition of witnesses have been magnified and mechanically the judgment of acquittal has been recorded.

7. After having gone through the judgment impugned and the records of this case, it appears that the occurrence took place some times around noon. The informant himself claims to have become unconscious and he regained his consciousness only after three hours. If this were so, then perhaps the FIR would have been recorded some times around 03:00 P.M. The FIR was recorded only at 02:00 P.M.

8. Most of the witnesses, it appears, did not



speak with clarity about the dispute between the appellant and respondent No. 2/Madhu Yadav. There was a Title suit pending between the parties at the time of the incident *vide* Title Suit No. 8 of 2010. In the aforesaid Title Suit, judgment has been delivered and the prayer for declaration of title has been allowed in favour of respondent No. 2.

9. That apart, it further appears that other persons, closely connected with respondent No. 2 were made accused in this case. In an overall scenario and from the place where the occurrence took place, though the P.O. could not be established with exactitude, it appears that there was some dispute between the parties at some other point of time and not in the transaction which has been reported by the appellant. The appellant has received injuries, but the nature of injuries could not be deciphered. The Trial Court also did not await the X-ray report.

10. In any view of the matter, with such doubt,



it would not be appropriate to overturn the judgment of the Trial Court, whereby the respondents have been acquitted.

11. Finding no merit in this appeal, we dismiss this appeal.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

Sauravkrsinha/
Krishna-

AFR/NAFR	NAFR
CAV DATE	NA
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