

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1542 of 2025

Arising Out of PS. Case No.-180 Year-2020 Thana- MOKAMAH District- Patna

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Bahadur Mahto S/o- Late Prameshwar Mahto @ Bhola Mahto Village-
Sultanpur W.No-3, Ps- Mokama Dist- Patna Appellant/s
Versus

1. The State of Bihar Bihar
2. Ravindra Kumar @ Ravi Das Mahto S/o- Rohan Mahto Village- Sultanpur
W.NO-3, Ps- Mokama Dist- Patna
3. Mangal Mahto @ Jitendar Mahto S/o- Rohan Mahto Village- Sultanpur
W.NO-3, Ps- Mokama Dist- Patna
4. Rohan Mahto S/o- Late Gulam Mahto Village- Sultanpur W.NO-3, Ps-
Mokama Dist- Patna ... Respondent/s

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Appearance :

For the Appellant/s : Mr.Umesh Prasad, Adv.

For the Respondent/s : Mr.Syed Ashfaque Ahmad, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 29-07-2025 Heard the learned counsel for the appellant as well
as the learned APP for the State.

2. The present appeal has been preferred against the judgment and order of acquittal dated 06.01.2025 passed by Shri Rajeev Kumar-III, Additional District and Sessions Judge-I, Barh, in Sessions Trial No. 1190/2022, arising out of Mokama P.S. Case No. 180/2020 dated 06.09.2020, G.R. No. 1392/2020, whereby and whereunder Respondent Nos. 2 to 4 have been acquitted under Section 307/34 and held guilty under Sections 341, 323, 504, 506/34 of the IPC.

3. The prosecution case in short is that the informant (appellant) Bahadur Mahto lodged an FIR stating therein that on 06.09.2020 at about 01:00 P.M., the respondents along with other accused persons came to the house of the informant



(appellant) equipped with *lathi*, *danda*, *iron rod*, etc., and they assaulted him on his head, whereupon the informant (appellant) became unconscious and the accused persons threatened him not to lodge a case.

4. The charges were framed against the respondents under Sections 341, 323, 307, 504, 506/34 of the IPC. The respondents denied the charges and claimed to be tried. During trial, only two witnesses were examined, the informant/appellant himself as PW-2 and his wife *Kaushalya Devi* as PW-1. Neither the doctor nor the I.O., nor any independent witness was examined. Since the doctor was not examined, the injury report was not brought on the record.

5. PW-1 *Kaushalya Devi*, wife of the informant, has stated during her deposition that the respondents assaulted her husband on his head. During her cross-examination, she admitted the land dispute pending between the parties and she has also stated that the respondents are her relatives.

6. PW-2 *Bahadur Mahto* (the appellant)/the informant of the case has stated that the respondents *Rohan Mahto and Mangal Mahto @ Jitendar Mahto*, along with co-accused *Jitendar Mahto*, assaulted him with iron rod. Co-accused *Ravindra Kumar @ Ravi Das, Akhilesh, Raghu, Dharmendra*,



and Rabindra also came there and co-accused *Rabindra* assaulted him with lathi. He was brought to the hospital in injured condition, where treatment was provided.

7. The learned trial court considered the evidences of the prosecution and convicted the appellant under Sections 341, 323, 307, 504, 506/34 of the IPC. A single injury on the head of the appellant was found to be simple in nature, though the medical report has not been brought on the record.

8. The main grievance of the appellant is that the appellant should also be convicted under Section 307/34 of the IPC since the accused persons/respondents assaulted the appellant on his head.

9. The injury report has not been brought on the record. The solitary injury was found to be simple in nature. There is nothing on the record which shows that the intention of the appellant was to kill the informant.

10. I do not find merit in the present case, accordingly, the appeal is *dismissed*.

(Nawneet Kumar Pandey, J)

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