

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2885 of 2023

Arising Out of PS. Case No.-15 Year-2003 Thana- JANTA BAZAR District- Saran

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1. Sharda Sah, Son of Sri Damodar Sah
2. Manoj Sah, Son of Sri Damodar Sah
Both Residents of Village- Kataiya, PS- Janta Bazar , District- Saran
- Appellant/s
- Versus
- The State of Bihar
- Respondent/s
-

Appearance :

For the Appellant/s	:	Mr.Brajesh Kumar Singh, Advocate Mr. Sumit Kumar, Advocate
For the Respondent/s	:	Mr.Anand Mohan Prasad Mehta, Advocate Mr. Shrinath Manjhi, Advocate Mr. Rajesh Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 12-08-2025

The instant criminal appeal has been heard together with the Criminal Appeal (DB) No. 86 of 2024, arising out of the common impugned judgment dated 09.06.2023, which is against the acquittal of the instant appellants under Section 302 of the Indian Penal Code and after having heard both the appeals, judgments are being passed separately.

2. The instant criminal appeal is preferred by the appellants/convicts against the judgment dated 09.06.2023 passed by the learned Additional District & Sessions Judge- IX, Saran, Chapra in Sessions Trial No. 304/2005 (Registration No.



1700/2014) arising out of Janta Bazar P.S. Case No. 15/2003, whereby they have been convicted and sentenced to undergo rigorous imprisonment of three years and to pay a fine of Rs. 5,000/- each under Section 324/34 of the IPC and in default of payment of fine amount, additional imprisonment for three months.

3. Vide order dated 06.07.2023, Trial Court Records were called for, which were received on 01.08.2023.

4. The prosecution case, in brief, is that on 27.03.2003 at about 9:00 PM, when the deceased informant was sitting in front of his house besides the road alongwith others, Manoj Sah and Sharda Sah came abusing the informant and Sharda Sah caught hold of his hands and, having instigated his brother Manoj Sah, said “what are you doing, stab the knife”. Upon this, Manoj Sah stabbed the knife repeatedly in the stomach of the informant. When informant was trying to save himself, he got injury on his hand and fell down. He raised alarm on which nearby people Mogal Ram, Tasaur Dhobi and others came and then accused persons fled away. With the help of villagers, he was taken to Sadar Hospital in emergency ward where his treatment was going on.

5. On the basis of fardbeyan of the informant, Janta



Bazar P.S.Case No.15/2003 was initially instituted under Sections 323, 324, 341 and 307/34 of the I.P.C. and subsequently, during investigation, Section 302/34 of the IPC was added by the police. The police, after investigation, submitted charge-sheet against Respondent Nos. 2 to 3 and, accordingly, cognizance was taken. Thereafter the case was committed to the Court of Sessions. Charges were framed against the appellants to which they pleaded not guilty and claimed to be tried.

6. During the trial, the prosecution examined altogether 11 witnesses i.e. PW1 Ranjit Kumar Manjhi, PW2 Mogal Ram, PW3 Rangi Manjhi, PW4 Rohila Devi, PW5 Bhageshwar Manjhi, PW6 Sakaldev Mahto, PW7 Kuldeep Manjhi, PW8 Raghunath Manjhi, PW9 Susthir Kumar Sinha, PW10 Dr. Ram Naresh Yadav and PW11 Keshav Prasad. The prosecution has also produced certain exhibits, *i.e.*, signature of Tarkeshwar Manjhi identified on Fardbeyan, signature of Kuldeep Manjhi identified on Fardbeyan, signature of the Medical Officer identified on injury report, signature of the Medical Officer identified on supplementary report, signature of the Medical Officer identified on the injury report, signature of the I.O. identified on FIR, signature of Upendra Singh/Jha



identified on Fardbeyan. The defence has also examined four witnesses viz. DW1 Jyotish Mahto, DW2 Gogeshwar Mahto, DW3 Mithun Sah and DW4 Satyendra Singh. After closure of prosecution evidence, the statements of the accused persons were recorded under Section 313 Cr.P.C. and after conclusion of trial, learned trial court has acquitted the accused persons under Section 302/34 of the IPC and awarded sentence under Section 324/34 of the IPC.

7. The learned counsel for the appellants submitted that the learned trial court, while passing the order of conviction, has failed to appreciate and consider the major contradictions in the deposition of prosecution witnesses. The evidence on record clearly indicates that the injured was initially treated at PMCH, Patna, immediately after the alleged incident, and the attending doctor opined that he had recovered sufficiently and could be discharged to go home. It is further submitted that the prosecution, thereafter introduces a highly improbable and uncorroborated sequence of events, wherein it is alleged that, due to stomach pain, the injured subsequently went to Chapra and thereafter to Delhi, where he expired approximately two months after the alleged occurrence. Significantly, no documentary evidence whatsoever has been



produced to substantiate the alleged treatment at Chapra or Delhi. Moreover, the prosecution has failed to produce any post-mortem report to establish the cause of death or to link the same with the injuries allegedly sustained in the incident in question. In the absence of such vital medical and documentary evidence, the causal connection between the incident and the eventual death remains wholly unproved, thereby creating a serious doubt regarding the prosecution case.

8. We have heard learned counsel for the appellants and have also gone through the records of the case.

9. The sole question that requires consideration by this Court is whether the impugned judgment of conviction requires any interference by this Court.

10. Upon a careful consideration of the oral and documentary evidence available on record, this Court finds that the prosecution has successfully established all the ingredients necessary to constitute the offence punishable under Section 324 of the Indian Penal Code. The place of occurrence has been consistently and cogently proved through the testimonies of the prosecution witnesses, which find corroboration from the injury report (Exhibits 2 & 2/1) and the deposition of the medical officer (PW9). The evidence clearly establishes that the



informant sustained a penetrating wound on the abdomen and incised injuries on the hands, which, as per medical opinion, were caused by a sharp-cutting/penetrating weapon which corroborates with the alleged weapon as mentioned in the fardbyan of informant. The ocular evidence is found to be consistent, trustworthy, and duly corroborated by the medical evidence, thereby proving beyond reasonable doubt that the appellant voluntarily caused hurt to the informant by means of a sharp-cutting weapon. Such an act squarely attracts the mischief of Section 324 IPC, which contemplates voluntary causing of hurt by dangerous weapons or means, which reads as follows:

“324.Voluntarily causing hurt by dangerous weapons or means.—

Whoever, except in the case provided for by section 334,voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

11. The defence has not been able to bring on record



any credible material to create reasonable doubt regarding either the place of occurrence or the participation of the appellants in the commission of the offence. The minor contradictions pointed out are not material enough to affect the core of the prosecution case.

12. We find that the findings recorded by the learned trial court do not suffer from any illegality and perversity. In a criminal case, it is incumbent upon the prosecution to prove the guilt of the accused beyond the shadow of a reasonable doubt. Wherever, any doubt is cast upon the case of the prosecution, the accused is entitled to the benefit of doubt.

13. In a criminal appeal against conviction, what the Appellate Court has to examine is whether the finding of the learned trial court is sustainable in law and on facts, or whether the same suffers from any illegality, impropriety, or misappreciation of evidence. Being the final court of fact, the appellate court is duty-bound to re-appreciate, reconsider, and review the entire evidence on record, both on facts and law, to ascertain whether the conviction is justified. It is equally bound to ensure that the conviction rests on proof beyond reasonable doubt and is not based on surmises, conjectures, or inadmissible material.



14. At this juncture, it is apposite to refer to the decision of the Hon'ble Supreme Court in ***Bani Singh v. State of Uttar Pradesh, (1996) 4 SCC 720***, wherein it has been held that the appellate court has full power to review the entire evidence and arrive at its own conclusion in an appeal against conviction. Similarly, in ***State of Rajasthan v. Kashi Ram, (2006) 12 SCC 254***, the Hon'ble Supreme Court observed that while the presumption of innocence is weakened once a person is convicted, the burden still lies on the prosecution to prove the guilt beyond reasonable doubt, and the appellate court must carefully test whether such standard has been met.

15. In ***Chandrappa v. State of Karnataka, (2007) 4 SCC 415***, the Hon'ble Supreme Court reiterated that the appellate court, while hearing an appeal against conviction, is entitled to re-appreciate the evidence and come to its own conclusion, but such re-appreciation must be undertaken keeping in mind the settled principles of criminal jurisprudence. The court held that:

“In our view, if in the light of above circumstances, the trial Court felt that the accused could get benefit of doubt, the said view cannot be held to be illegal, improper or contrary to law. Hence, even though we are of the opinion that in an appeal against acquittal, powers of appellate Court are as wide as that of



the trial Court and it can review, reappreciate and reconsider the entire evidence brought on record by the parties and can come to its own conclusion on fact as well as on law, in the present case, the view taken by the trial court for acquitting the accused was possible and plausible. On the basis of evidence, therefore, at the most, it can be said that the other view was equally possible..”

16. The appellate court is thus justified in looking into the entirety of the evidence to test its reliability, weigh the defence put forth by the accused, and ensure that the trial court's reasoning conforms to legal principles. This scrutiny extends to both the factual matrix and the application of law. If the trial court has overlooked material contradictions, ignored vital defence evidence, or misapplied the law, the appellate court is duty-bound to interfere. Conversely, where the conviction is based on proper appreciation of reliable evidence and is in conformity with law, the appellate court will be slow to disturb such finding.

17. Therefore, in a criminal appeal against conviction, the scope of scrutiny is wide, but the exercise is guided by the principle that guilt must be proved beyond reasonable doubt, the reasoning must be cogent, and the conclusion must rest on legally admissible evidence. The appellate court's role is to ensure that the conviction is the result of a fair trial, proper



application of law, and sound appreciation of evidence, thereby upholding the constitutional guarantee of a fair criminal process.

18. Accordingly, this Court finds no infirmity in the findings of the learned trial court that the appellants are guilty under Section 324 IPC, the prosecution having proved the charge beyond reasonable doubt. The impugned judgment of conviction and sentence passed by the trial court is hereby upheld.

19. However, considering the facts and circumstances of the case and the period of incarceration already undergone by the appellants, we are of the view that the sentence imposed upon them is modified to the term of the period already undergone by them. Since the appellants are on bail, let them be discharged from the liabilities of bail bonds and sureties, if any.

20. Accordingly, the present appeal is dismissed.

(Sudhir Singh, J)

(Ramesh Chand Malviya, J)

Sujit/-

AFR/NAFR	NAFR
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