

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4198 of 2018

Arising Out of PS. Case No.-51 Year-2006 Thana- PUNPUN District- Patna

Judagi Thakur @ Lal Babu Son of Late Kripal Thakur R/o Kamalpura,P.S.
Punpun,Distt.-Patna

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tuhin Shankar, Advocate
For the Respondent/s : Mr. S. A. Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 15-07-2026

Heard learned counsel for the appellant and learned
A.P.P. for the State.

2. This appeal has been filed against the judgment of conviction and order of sentence 06.09.2018 passed by the learned Additional District and Sessions Judge – V, Patna in Sessions Trial No. 1605 of 2007, arising out of Punpun P.S. Case No. 51 of 2006, whereby and whereunder this appellant has been convicted under Section 324 of the Indian Penal Code and sentenced to undergo simple imprisonment for two years.

3. The prosecution case, in brief, is that on 15.06.2006 at about 8:00 A.M., due to dispute over digging of Hand-Pump, co-accused Mukesh Thakur assaulted wife of informant with fist & slaps and when informant came to save his wife, this appellant pierced scissor in the chest of informant. However, with the



intervention of some co-villagers, informant was saved and admitted to the Punpun Hospital.

4. In this case, on the basis of the *Fardbeyan* of the informant, Punpun P.S. Case No. 51 of 2006 was registered for the offence punishable under Sections 323, 341, 324, 307/34 of the Indian Penal Code against appellant and co-accused Mukesh Thakur. After completion of the investigation, charge-sheet was submitted under aforesaid sections of the Indian Penal Code against them and thereafter, cognizance was taken against them and case was committed to the court of sessions. Accordingly, on 18.09.2009, charges were framed against accused persons and thereafter, statement of accused under Section 313 of the Cr.P.C. was recorded, in which, both accused persons claimed to be tried.

5. In this case, in order to bring home guilt of both accused persons including appellant, the prosecution has examined altogether 7 (seven) witnesses, who are:

“P.W.-1 – Bimala Devi (wife of informant and supported the prosecution case)

P.W.-2 – Mahendra Pandey (declared hostile)

P.W.-3 – Udit Thakur (declared hostile)

P.W.-4 – Chandra Bhushan Ram (declared hostile)

P.W.-5 – Yoga Thakur (informant of this case, who exhibited his signature over *Fardbeyan*, as Exhibit -1 and signature of witness Dev Prasad Singh, as Exhibit – 1/1 and fully supported his prosecution version.

P.W.-6 – Dev Prasad Singh



P.W.-7 – Dr. Suryadev Prasad Singh, who examined informant at PMCH, Patna and exhibited injury report, as Exhibit – 2.”

6. During trial, P.Ws. 2, 3 & 4, who claimed to be eye-witness to the occurrence, did not support the prosecution case and declared hostile. In this case, investigation officer has not been examined on behalf of prosecution and as such, place of occurrence and manner of occurrence have not been proved. P.W.6 Dev Prasad Singh is hearsay witness and did not support the prosecution case. He deposed before the trial Court that he has not seen the occurrence with his naked eyes and both accused persons are his co-villagers. In this case, the doctor, who treated injured/informant at Primary Health Centre, Punpun, has not been examined during trial and no injury report, issued by the Primary Health Centre, was brought on record. Thus, due to non-examination of doctor, who firstly treated injured, and investigation officer, prejudice has been caused to defence.

7. Thus, in view of the facts and circumstances of the case, as discussed above, and the fact that most of the witnesses did not support the prosecution case & were turned hostile as also the fact that doctor, who firstly treated the injured, and investigation officer have not been examined on behalf of prosecution, the prosecution has miserably failed to prove the guilt



of appellant beyond all reasonable doubt and thus, the appellant is entitled to be given the benefit of doubt.

8. In that view of the matter, the impugned judgment of conviction dated 06.09.2018 passed by the learned Additional District and Sessions Judge – V, Patna in Sessions Trial No. 1605 of 2007, arising out of Punpun P.S. Case No. 51 of 2006, is hereby set aside.

9. Appellant, above named, is acquitted of all the charges and since appellant is on bail, he is discharged from the liability of his bail bond in connection with this case.

10. Accordingly, the appeal stands allowed.

(Prabhat Kumar Singh, J.)

Anay

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	17.07.2026
Transmission Date	17.07.2026

