IN THE HIGH COURT OF JHARKHAND AT RANCHI
Acq. Appeal (DB) No. 86 of 2019

Barun Bihari @ Mukhu, aged about 32 years, Son of Brahmdeo Raut, Resident of Village-Rohiniya, P.O.-Bhawnathpur, P.S.-Bhawnathpur, Dist.-Garhwa, Jharkhand, at present Village-Buka, P.O. & P.S.-Bhawnathpur, Dist. Garhwa, Jharkhand ... ... **Appellant(s)**

Versus

1. The State of Jharkhand
2. Shivpujan Yadav, Son of Matuki Yadav,
3. Ajay Yadav,
4. Vijay Yadav

   Both Sons of Shivpujan Yadav, All residents of Village-Buka, P.O. & P.S.-Bhawnathpur, Dist.-Garhwa, Jharkhand
5. Pradeep Singh @ Dudun Singh, Son of Late Feka Singh, resident of Township Bhawnathpur, P.O. & P.S.-Bhawnathpur, Dist.-Garhwa (Jharkhand).
6. Ravindra Chandravanshi, Son of Paras Ram, resident of village-Buka, P.O. & P.S.-Bhawnathpur, Dist.-Garhwa, Jharkhand
7. Buchul Chandravanshi, Son of Late Ramdhyan Ram, Resident of village Bhawnathpur Basti, P.O. & P .S.-Bhawnathpur, Dist.-Garhwa, Jharkhand …… **Respondent(s)**

CORAM: SRI ANANDA SEN, J.
: SRI PRADEEP KUMAR SRIVASTAVA, J.

For the Appellant : Mr. Mihir Kunal Ekka, Advocate
For the State : A.P.P.
For the Resp. No. 2 to 7 : Mr. Jitendra S. Singh, Sr. Advocate
Mr. Amit Kumar Tiwari, Advocate

09/ 24th September, 2026

Heard the learned counsel for the parties.

2. The trial court records have been received. We have gone through the same. After going through the same, we find that the accused persons were found guilty and were convicted for committing the offence under Sections 323, 341 and 34 of the IPC. They were acquitted of charge under Section 307 of the IPC as the learned trial Court has held that the same is not sufficiently proved beyond all shadow of reasonable doubt. Aggrieved by the acquittal under Section 307 of the IPC, this appeal against acquittal has been filed by the appellant.

3. The law is well settled in respect of dealing with appeal against acquittal. It is now settled that if two views are possible, the view taken by the learned trial Court in acquitting the appellant is to be sustained. If

though the judgment is perverse and no other view is possible then, only the judgment of acquittal can be reversed. The Hon'ble Supreme Court in the case of ***Basheera Begam v. Mohd. Ibrahim, (2020) 11 SCC 174*** has held as under:-

> ***"190.*** *At the cost of repetition, it is reiterated that the burden of proving an accused guilty beyond all reasonable doubt lies on the prosecution. If upon analysis of evidence two views are possible, one which points to the guilt of the accused and the other which is inconsistent with the guilt of the accused, the latter must be preferred. Reversal of a judgment and order of conviction and acquittal of the accused should not ordinarily be interfered with unless such reversal/acquittal is vitiated by perversity. In other words, the court might reverse an order of acquittal if the court finds that no person properly instructed in law could have upon analysis of the evidence on record found the accused to be "not guilty". When there is circumstantial evidence pointing to the guilt of the accused, it is necessary to prove a motive for the crime. However, motive need not be proved where there is direct evidence. In this case, there is no direct evidence of the crime."*

4. In this case, after going through the records, we find that it is alleged that the accused persons have surrounded the victim and have assaulted him with Lathi, Danda, Iron Rod and Electric Wire Hunter but from the evidence, it is clear that there is nothing to suggest any intention on the part of these accused persons to commit murder of the deceased. Further the injury report also does not suggest so. The Doctors who had treated the victim examined as P.W.-9 and P.W.-10. Going through the reports of the Doctor, we find that there are some head injuries but the Doctor clearly opined that the injuries were not fatal and they are superficial in nature. Further, the Doctor on the basis of the report opined that injuries were also simple in nature. P.W.-10 Dr. Ram Vinod Kumar who examined Sri Barun Rai also categorically stated that injuries No. I to V are also not on the vital part of the body. This also suggests lack of intention of committing murder.

5. Considering the above facts, we do not find any substantial material to interfere with the impugned judgment so far as it relates to acquittal of the accused persons under Section 307 of the I.P.C.

6. Thus, this appeal stands dismissed, at the admission stage.

(Ananda Sen, J.)

(Pradeep Kumar Srivastava, J.)

24.09.2026
Basant
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