

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.136 of 2024**

Arising Out of PS. Case No.-123 Year-2003 Thana- GOPALPUR District- Bhagalpur

Sanyukta Devi W/o Late Vakil Mistri Resident of village Bari Makandpur PS
Gopalpur, Distt. - Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Subhash Mistri S/o Late Uttam Mistri R/o vill - Bari Makandpur, P.s. -
Gopalpur, Distt. - Bhagalpur
3. Laddu Mistri S/o Late Ram Bishun Mistri R/o vill - Bari Makandpur, P.s. -
Gopalpur, Distt. - Bhagalpur
4. Rajesh Mistri S/o Laddu Mistri R/o vill - Bari Makandpur, P.s. - Gopalpur,
Distt. - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pratik Mishra, Advocate Mr. Vatsal Vishal, Advocate Mr. Dilip Kumar, Advocate
For the State	:	Mr. Sujit Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 06-08-2024 Learned counsel for the appellant has placed before us paragraph '14' of the judgment and has demonstrated that the learned trial court is not correct in saying that because the injuries were of simple nature and caused by hard and blunt object, therefore, Section 307 of the Indian Penal Code (in short 'IPC') shall not be attracted. Learned counsel submits that to attract an offence under Section 307 IPC, the nature of injury whether it is simple or grievous would not be important.



2. Learned counsel further points out that the learned trial court while passing order on sentence, left the accused persons by passing an order under the Probation of Offenders Act and simply by admonishing the accused persons but these accused persons later on murdered the injured of this case.

3. Issue notice to the respondent nos.2 to 4 both by registered cover with A/D as well as ordinary process for which requisites etc. must be filed within two weeks from today.

4. List this matter under the same heading immediately after service of notices or on 03.10.2024 whichever is earlier.

(Rajeev Ranjan Prasad, J)

(Shailendra Singh, J)

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