

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (DB) No.83 of 2015**

Arising Out of PS.Case No. -82 Year- 2012 Thana -KHUDAGANJ District- NALANDA  
(BIHARSHARIFF)

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Shailendra Kumar, Son of Late Ram Kishore Prasad, Resident of Village –  
Khudaganj Tankipar, Police Station Khudaganj, District – Nalanda, presently  
serving as soldier of Indian Navy

.... .... Appellant/s

Versus

1. The State of Bihar
2. Awadhesh Prasad, Son of Suresh Yadav
3. Sanjay Prasad, Son of Suresh Yadav
4. Ram Pravesh Prasad, Son of Suresh Yadav
5. Ajay Prasad, Son of Suresh Yadav
6. Vijay Prasad @ Vijay Yadav, Son of Suresh Yadav
7. Suresh Yadav, Son of Late Faudari @Fadri Yadav
8. Lalmati Devi, wife of Suresh Yadav
9. Sona Devi wife of Sanjay Prasad
10. Neelam Devi wife of Ajay Prasad
11. Rinku Devi wife of Ajay Prasad
12. Gayatri Devi, wife of Vijay Prasad. All R/o Village – Vardaha Tola Balwapar,  
Police Station – Khudaganj, District - Nalanda

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Umesh Kumar, Advocate

For the State : Mr. Abhimanyu Sharma, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA**

**and**

**HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE V.N. SINHA)**

**Date: 27-01-2015**

Heard learned counsel for the appellant and the State.

2. Son of the informant of Khudaganj P.S. Case No. 82 of  
2012 has filed this appeal assailing the impugned judgment dated  
10.04.2014 passed by 2<sup>nd</sup> Ad hoc Additional Sessions Judge, Hilsa in  
Sessions Trial No. 260 of 2013 whereunder private Respondent nos. 2  
to 12 have been acquitted of the charge under Sections 304B/34,

201/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. Private respondents are the husband and in-laws of the deceased, sister of the appellant. As per written report of the father of the deceased, Ram Kishore Prasad dated 22.08.2012, private respondents eliminated his daughter, Pinku Devi and her 2 ½ months old child in a planned manner in the night and cremated the two in the morning for the failure of the informant to pay cash of Rs. 50,000/- and motorcycle as dowry. Information about the killing of Pinku Devi and her child was conveyed to the informant by Rajballabh Yadav, P.W.5. In the light of the information received, informant came to the village and thereafter registered the present First Information Report and the case after investigation was found true.

4. During trial, prosecution failed to establish that Pinku Devi and her child were done to death by the private respondents as P.Ws. 1 to 7 have not supported the occurrence. P.W.8, uncle of the deceased, though supported the occurrence, but his evidence has been rejected on the ground that P.W.5, Rajballabh Yadav from whom P.W.8 Suresh Prasad had learnt about the occurrence had not supported that any such occurrence had taken place and he had informed the informant and his brother Suresh Prasad about the occurrence. Trial court being left with no evidence to corroborate the

evidence of P.W.8 Suresh Prasad, has chosen to acquit the private respondents.

5. We see no reason to take a different view in the matter.  
The appeal is dismissed.

6. The appeal having been dismissed on merit, no useful purpose will be served by condoning the delay in filing the appeal, as such, limitation petition bearing I.A. No. 154 of 2015 is also dismissed.

**(V.N. Sinha, J)**

**(Rajendra Kumar Mishra, J)**

Arjun/-

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