

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.443 of 2013

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1. Nirmala Sinha W/O Late Pramod Prasad Resident Of Village- Hazipur, P.S-
Nagarnausa, District- Nalanda.

.... Appellant/s

Versus

1. The Union Of India through the General Manager, Eastern Railway, Kolkata

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. A.N. Mishra, Advocate.

For the Respondent/s : Mr. Bijoy Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-09-2015

Heard learned counsel for the appellant and learned
counsel for the Railway.

2. In the present appeal, the appellant is challenging the
judgment/order dated 25.4.2013 passed in Claim Case O.A. No.
00285 of 2002 by the Railway Claims Tribunal, Patna by which
claim application has been dismissed.

3. Claim has been made that the victim was going from
Patna Sahib to Rajendranagar railway station by Train No.543
Up Rajgir-Danapur passenger met with an accident on
5.10.2001 at Kumrarh Gumti. The body of the victim was
brought by one constable no. C-453, namely Ashok Kumar
Singh. The postmortem was conducted as an unknown person
which is apparent from Exhibit A/5 and FIR was lodged by the



brother of the victim, namely, Krishna Kumar which was registered as Sultanganj P.S. Case No.216 of 2001 on 6.10.2001 suspecting that his brother has been killed giving narration of the fact that he was working with Rajeshwar Jain whose godown was at Kankargagh. He remained there in the last night and did not return to the house. On the next day when he started searching him his body was found near Kumhrar Gumti, at western side. He suspected that some person has killed him and thrown the body of the victim in railway track. Thereafter the police has prepared the inquest report on 6.10.2001 and later on the present claim has been filed claiming that the victim was returning by Rajgir Danapur passenger and due to heavy rush inside the compartment the victim fell down from the train which led to death of the victim.

4. From the record it appears that in the statement the brother of the victim nowhere stated that his brother was a passenger of Rajgir-Danapur passenger he met with an accident rather he has said that his brother was killed and his body was recovered from the railway tract. The story that has been made out by the claimant that he was travelling on Rajgir-Danapur passenger there is no material save and except the oral statement made by the victim. This plea has not been supported by any



material rather all material goes against her as FIR itself shows that brother of the victim had made his statement, he was suspecting, his brother was killed by unknown criminal and later on body of the victim was put for postmortem as an unknown person itself shows that story that has been planted does not have any leg to stand.

5. In such view of the matter, this Court does not find any merit in this appeal. Accordingly this appeal is dismissed.

(Shivaji Pandey, J)

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