

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.303 of 2003

Arising Out of PS.Case No. -null Year- null Thana -null District- AURANGABAD

Bashisth Singh @ Bashisth Narayan Singh son of late Namu Singh @ Nago Singh
resident of village Madhey P.O. Ankorha P.S. Nabinagar District Aurangabad.

.... Petitioner/s

Versus

State of Bihar

.... Opp. Parties

with

Criminal Revision No. 312 of 2003

Arising Out of PS.Case No. -null Year- null Thana -null District- AURANGABAD

Kamla Singh son of Late Ram Rekha Singh resident of village Madhey P.S.
Nabinagar District Aurangabad

.... Petitioner/s

Versus

1. State of Bihar
2. Jainarain Singh son of Suresh Singh, resident of village Madhey P.S. Nabinagar
District Aurangabad

.... Opp. Parties.

Appearance :

(In CR. REV. No. 303 of 2003)

For the Petitioner/s : Mr. Satyapal Singh, Adv.

For the Respondent/s : Mr.

(In CR. REV. No. 312 of 2003)

For the Petitioner/s : Mr.

Mr. Rajeev Kumar Singh

Mr. Niranjana Kumar

For the Respondent/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-01-2015

The appellants are aggrieved with the conviction under Sections
379 and 341 of the Indian Penal Code and sentence for a period of two years and
15 days respectively passed by the Judicial Magistrate, 1st Class, Aurangabad in
G.R. No. 605 of 1983, Tr. No. 100 of 1992 which has been affirmed by the 1st
Additional Sessions Judge, Aurnagabad by judgment dated 19.02.2003 in Cr.

Appeal No. 142 of 1992 /153 of 1997.

The case of the prosecution is that on the date of occurrence the accused persons stopped the informant and demanded an explanation as to why he had instituted a case for theft of the motorcycle and who would bear the expenses of the same and after that they committed theft of his motorcycle. It has been pointed out by the counsel for the petitioners that P.W. 2 Lalan Singh has admitted that the motorcycle belonged to Rajendra Singh and P.W. 3 stated that he had not seen as to which person had committed theft of the motorcycle. In such circumstance, the evidence of the prosecution is fit to be disbelieved.

In the facts of the case, I am inclined to agree with the submissions raised. Hence, the revision application is allowed. The orders passed by the Judicial Magistrate, 1st Class, Aurangabad in G.R. No. 605 of 1983, Tr. No. 100 of 1992 and 1st Additional Sessions Judge, Aurnagabad dated 19.02.2003 in Cr. Appeal No. 142 of 1992 /153 of 1997 are set aside.

(Anjana Prakash, J)

Patna High Court Patna/
Dated, 28th Jan 2015
NAFR/Prakash/-

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