

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.84 of 2015

Arising Out of PS.Case No. -255 Year- 2010 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

=====

Madhu Sinha wife of Sri Ashok Kumar Singh, R/o Yogini Niwas, Diwan Road,
P.S. Mithanpura, District - Muzaffarpur

.... Appellant/s

Versus

1. The State of Bihar
2. Mayank Kumar @ Muna son of S.P. Singh, R/o Amgola, P.S. – Mithanpura,
District - Muzaffarpur

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Binod Murari Mishra, Advocate
For the State : Mr. D.K. Sinha, A.P.P.

=====

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. Mother of the deceased of Kazimohammadpur
P.S. Case No. 255 of 2010 has filed this appeal assailing the
impugned judgment dated 16.09.2014 passed by Additional
Sessions Judge-II, Muzaffarpur in Sessions Trial No. 536 of
2011 whereunder private Respondent no.2 has been acquitted
of the charge under Sections 302, 307 of the Indian Penal Code
and Section 27 of the Arms Act.

3. It appears, prosecution case as set out in the



fardbeyan of Constable 409 Krishna Yadav, P.W.10 is that he was deputed at Kalambagh Chowk as 84 Tiger Mobile no.1 and while on duty at 6:50 P.M. on 13.12.2010 he saw two persons on a Honda Unicorn Motorcycle proceeding towards Aghoria Chowk through Kalambagh Chowk, all of a sudden pillion rider took out his pistol and fired three shots on the driver of the motorcycle and then fled away. The informant first tried to apprehend the pillion rider, but when he saw the condition of the driver of motorcycle No. BR06J 6830 deteriorating as he had received bullet injuries he took steps to remove the injured for treatment and thereafter again began to chase the pillion rider and with the assistance of other police personnel apprehended him after some time. In the dock, informant P.W.10 and other witnesses have categorically deposed that it was not Respondent no.2 who had shot at the deceased.

4. In view of the clear deposition of the informant P.W.10 and other witnesses that it was not Respondent no.2 who shot at the deceased, the trial court had no option but to acquit Respondent no.2.

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

6. Having dismissed the appeal on merit, there is no occasion for us to condone the delay in filing the appeal, as such, limitation petition bearing I.A. No. 153 of 2015 is also dismissed.

(V.N. Sinha, J.)

(Rajendra Kumar Mishra, J.)

Arjun/-

U		T	
---	--	---	--