

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.12 of 2015

Arising Out of PS.Case No. -55 Year- 2012 Thana -ITADHI District- BUXAR

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Bindhyachal Shukla, Son of Babla Sukla, Resident of Village-Chotka
Dhakaich, P.S-Krishna Brahm, District-Buxar

.... Appellant/s

Versus

1. The State of Bihar
2. Deepak Tiwari, Son of Paras Nath Tiwari
3. Om Prakash Tiwari, Son of Paras Nath Tiwari
4. Shiv Shankar Tiwari @ Baban Tiwari, Son of Paras Nath Tiwari
5. Lilawati Devi, Wife of Paras Nath Tiwari
6. Punam Devi, wife of Baban Tiwari

All are residents of Village Kapurpatti, P.s. Itarhi, District Buxar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jagdish Prasad, Advocate
Mr. Anirudh Mishra, Advocate

For the Respondent/s : Mr. A.K.Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

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

- 4 09-01-2015 Heard learned counsel for the appellant and the State.
2. Informant of Itarhi P.S. Case No. 55/12, who is the
uncle of the deceased, has filed this appeal assailing the judgment
dated 11.09.2014, passed by Ist Additional Sessions Judge, Buxar,
in Sessions Case No. 121/13 whereunder respondent nos. 2 to 6
have been acquitted of the charge under Sections 304B, 302/34,
201/34 of the Penal Code.
3. It appears, niece of the informant Rekha Kumari
was married to respondent no. 2, suffered unnatural death on
20.04.2012, information about her death was received by the



informant at his village home that she has been killed by her husband, in-laws and to verify the said information informant came to the matrimonial village of his niece but found the house locked and none of the family members present in the village. He lodged the present case asserting that for the failure of the family to meet the dowry demand made by the accused persons the occurrence took place. The accused persons, however, raised the plea that the deceased suffered snake bite whereafter information was given to her parental family members and the Sarpanch, Mukhiya of the Gram Panchayat and with the permission of Sarpanch the dead body was flown in the river. Present case has been lodged by the informant only with a view to feed fad the grudge against the husband of the deceased and his family members including the two daughters of the deceased.

4. In support of the aforesaid contention to dislodge the presumption raised under Section 304-B of the Penal Code read with Section 113B of the Indian Evidence Act the accused persons examined the Sarpanch and other villagers. All of them confirmed in one voice that the deceased suffered snake bite.

5. Prosecution examined the father of Rekha Kumari as P.W. 1, who deposed in evidence that accused no. 1, his son-in-law, was demanding money to purchase the motorcycle and

golden chain, which was not provided and getting annoyed for not being given money to purchase the motorcycle, golden chain the occurrence took place.

6. Aforesaid fact that demand of dowry to purchase the motorcycle, golden chain was being made is not mentioned in the First Information Report, though such report has been lodged by P.W. 3 in the light of the instructions received from P.W. 1, father of Rekha Kumari. The court below has considered the aforesaid aspect as also the fact that defence has discharged the onus that Rekha Kumari suffered snake bite by examining the Sarpanch and other villagers.

7. In view of the findings recorded by the trial court, we are not inclined to interfere with the impugned judgment. Appeal is dismissed.

(V.N. Sinha, J)

(Rajendra Kumar Mishra, J)

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