

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.923 of 2014

(Against the Judgment of Conviction dated 28.10.2014 and Order of Sentence dated 31.10.2014 passed by the *Ad hoc* Additional District & Sessions Judge-IV, Patna in Sessions Trial No. 547 of 2010/84 of 2013 arising Out of PS.Case No. -26 Year-2009 Thana –Patliputra, District- Patna)

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Jaswant Singh @ Jassu @ Sant, Son of Uday Shankar Singh, Resident of Village - Ghataro Tola, Hajipur, Distt. - Vaishali.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Criminal Appeal (DB) No. 22 of 2015

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Mohit Tiwary, Son of Udai Shankar Tiwary, Resident of Village - Singha, P.S.- Mirganj, District - Gopalganj.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

(In CR. APP (DB) No.923 of 2014)

For the Appellant : Mr. Ramakant Sharma, Sr. Adv.
Mr. Rakesh Kumar Sharma

For the State : Mr. A.K. Sinha, A.P.P.

(In CR. APP (DB) No.22 of 2015)

For the Appellant : Mr. Surendra Singh, Sr. Adv.
Mr. Akhileshwar Pd. Singh, Sr. Adv.
Mr. Ravindra Kumar,

For the State : Mr. S.C. Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH)

Date: 07-09-2016

Heard learned counsel for the appellants and

Additional Public Prosecutor.



2. Both the appeals arise out of judgment of conviction dated 28.10.2014 and order of sentence dated 31.10.2014 passed by the Additional District and Sessions Judge-IV, in Sessions Trial No. 547 of 2010/84 of 2013 arising out of Patliputra P.S. Case No. 26 of 2009, whereby all the appellants have been convicted for the offence under sections 364A, 120B, 302/34 and 201 of the I.P.C. and sentenced to undergo Rigorous Imprisonment for life and a fine of Rs. 20,000/-, in default of which, further imprisonment for six months, under each count. Further both the appellants have been sentenced to undergo six months imprisonment for the offence under section 201 of the I.P.C. with fine of Rs.1,000/- and for the offence under section 120B of the I.P.C., no separate sentence was awarded. However, all the sentences were directed to be run concurrently.

3. The prosecution case, as set out in the *fardbeyan* (Exhibit-1) of the informant, Mukesh Kumar Madhukar (P.W.1) recorded by Inspector-cum-S.H.O., Sunil Kumar (P.W. 15) of Patliputra P.S., Patna on 23.01.2009, is that his younger brother Santosh Kumar, resident of Gosai Tolla, used to work in C.M.S. Security Pvt. Ltd., at Patliputra. On 21.01.2009, from mobile of his younger brother, Santosh Kumar, bearing no. 9835294626, his father received a call from mobile no. 9430859297 that he is in a



lot of pain. There was again a call from his brother's mobile no. 9835294626 on his father's mobile threatening that his son is in custody and if a ransom of Rs. 5 to 6 lacs is not arranged, the latter would be killed. After receiving repeated calls of ransom, the informant's father came to Bhagalpur and handed over his mobile to him. Again a call bearing no. 9430859297 was received on mobile no. 9430859297 on 22.01.2009 at 04:45 pm., this time through mobile no. 977984140488. On the same day, again a call for ransom for Rs. 5 lacs was made at about 07:38 pm. The accused persons were trying to strike deals with his father on his mobile. His brother Santosh Kumar was last seen on 21.01.2009 at Jakir Hussain Institute near 'Hartali Chowk' turing by one Niranjana Kumar Singh (P.W.12) and thereafter, his brother became traceless. The accused persons continued to make demands for ransom. The informant raised suspicion against villagers Shashi Kant Singh and Narayan Singh, Sr. Advocate, Boaring Road, Yamuna Apartment, for committing the crime, because of land dispute. The informant claimed that his brother Santosh Kumar has been abducted for ransom.

4. The prosecution in support of its case, altogether examined 16 witnesses. Out of these 16 witnesses, P.W. 4 Ashok Prasad Singh and P.W. 5 Nayak Naveen Singh are formal



witnesses. P.W. 7 Shashi Kant Singh is a co-villager and P.W. 8 Sunil Kumar Suman is a friend of the informant. Both of them are hearsay witnesses, on the point of occurrence. P.W. 9 Satyendra Singh is witness of T.I.P., who proved his signature on the T.I.P. Chart as Exhibit-4. P.W. 10 Narendra Pal Singh is again a formal witness, who was present at the time of T.I.P. along with Satyendra Singh (P.W. 9). Ajay Kumar (P.W. 16) is another formal witness.

5. P.W. 1 Mukesh Kumar Madhukar is informant and brother of the deceased Santosh Kumar. He stated that on 21.10.2008 at about 12:00 pm. a phone call came on the mobile of his father, bearing no. 9430859297 from mobile of his brother, bearing No. 9835294626 stating that he is in a lot of pain. Again from the same mobile number, his father received a call at about 2:00 pm., wherein the callers stated that his son has been kidnapped and he should make arrangement for a ransom of Rs. 5 to 6 lacs to have his son, freed. His father immediately informed him about the incident on his mobile number, from his mobile. The informant, thereafter, called his father to Bhagalpur. The informant then began to sort out a deal with the accused through the mobile number of his father. Again in the evening at about 4:45 pm., a call came reiterating demand for ransom of Rs. 6 lacs, and also threatening that if the said amount is not paid, the victim would be killed.

Again a call came at about 7.45 pm., stating that they would inform as to when and where the money is to be delivered. Thereafter, the informant along with Sunil Kumar Suman (P.W. 8), Rupesh Kumar Mandal (P.W. 2), Shashi Kant Singh (P.W. 7) and Ashok Prasad Singh (P.W. 4), his father came to Patliputra Police Station and lodged the case. At that time, they raised suspicion against co-villagers namely, Narayan Singh, Advocate and one Shashi Kant Singh because of land dispute. The informant stated that his *fardbeyan* was written by the Sunil Kumar (P.W. 15) and on finding the same to be correct, he put his signature. He proved his *fardbeyan* as Exhibit-1. He also proved the signature of Sunil Kumar, which is marked as Exhibit 1/1. He stated that calls for ransom were repeatedly made and the Inspector *Saheb* was regularly apprised of such informations. The *Darogaji* had gone to 'Hartali More' along with him and one Niranjan Kumar Singh (P.W.12), where the deceased was seen for the last time. The unknown accused called him from Khagaria and then at Hazipur and thereafter, Mithapur Bus Stand for handing over the ransom and he gave the said informations to *Darogaji*. Then he was called to Muzaffarpur and Raxaul, where he reached along with Police. The accused persons then asked him to get down at Ramgarwah Station. Thereafter, they called them at Birganj where he went with



the help of Nepal Police. He was finally called to Sunauli on India-Nepal Border where an unknown person asked him to be appear and deliver the ransom amount, whereafter his brother would be freed. At the time of handing over of money, the accused was apprehended by the Police, who disclosed his name Biswanath Srivastava @ Rajesh Srivastava. The apprehended accused disclosed the name of 5 to 6 accused, including that of appellant, Mohit Tiwary. In course of investigation, he identified his brother in presence of S.D.O. Sadar.

6. P.W. 2 Rupesh Kumar Mandal has stated in his evidence that he was informed by the informant Mukesh Kumar Madhukar (P.W. 1) that his brother was kidnapped for ransom. Thereafter, he went to Bhagalpur on 22.01.2009 at the place of informant. Again demand of ransom was made on mobile. As such, on 23.01.2009, he along with Mukesh Kumar Madhukar came to Patna where Mukesh got recorded his *fardbeyan* at Patliputra on which he put his signature, which he proved as Exhibit-1/1.

7. P.W. 3 Bharat Kumar Sinha stated in his evidence that on 11.08.2009 at about 3:30 pm., the Police came to his out house of Shivpuri Sinha Sadan along with one Mohit Tiwary. On the disclosure of Mohit Tiwari, two skeletons were recovered after digging the soil. A seizure list and inquest report was prepared. He



put his signature on the seizure list as well as report, which he identified as Exhibits- 2 and 2/1 respectively. This witness could not identify the appellant Mohit Tiwary, stating that the occurrence is an old one. He has further stated that appellant Jaswant Singh had come to meet him, who was his tenant. He does not have the tenancy papers. When appellant Jaswant Singh occupied the premises and vacated the same, he was not present. He was unable to say whether Jaswant Singh used to reside in the premises or someone else resides in the rented premises. He came to know about the occurrence on 11.08.2009. The out house was subsequently vacated by his old tenant Jaswant Singh and some new tenant occupied it, who remained in the premises till the time of search and raid.

8. P.W. 14 Lal Babu Rai used to work as servant in the house of Bharat Kumar Singh (P.W. 3). He stated that he used to live in the house alone and the owner of the house used to come occasionally. The appellant Jaswant Singh used to stay in the two rooms of the out house on rent along with two boys. He stated that appellant Jaswant Singh took the house on rent for the purpose of delivery of his wife. Further, he stated that he resides in the premises with two boys, whose name he does not remember. He cannot now recognize on seeing them as well. Whenever appellant



Jaswant Singh used to come in his rented house, he talked with him. On one occasion, Jaswant Singh asked him for spade. He informed that the spade was in his compound itself. The Police had queried him only once at Gandhi Maidan, Police Station. The Police had never got conducted the Identification Parade done in the past. He further stated that no papers with respect to tenancy were made.

9. It would appear from the evidence of P.W. 14 that appellant Jaswant Singh had taken out house on rent for the purpose of delivery of his wife. However, he continued to stay in the out house with two other boys, whom neither Bharat Kumar Sinha (P.W.3) nor Lal Babu Rai (P.W. 14) recognized. It would further appear from the evidence of P.W. 3 that before recovery of the dead body, appellant Jaswant Singh had vacated the premises and others occupied the same subsequently.

10. P.W. 12 Niranjana Kumar Singh stated that the occurrence is of 21.01.2009. He stated in his evidence that deceased Santosh Kumar used to do work in his office. This witness along with deceased Santosh Kumar Singh had gone to Hartali More near Dr. Jakir Hussain Institute. Santosh wanted to do his M.B.A. and as such, he had gone to the institute for counseling. On the next day, he learnt that Santosh Kumar has been kidnapped.

11. The evidence of this witness is to the effect that deceased Santosh Kumar was together with him on 21.01.2009 at 01:00 pm., at Hartali More near Jakir Hussain Institute.

12. P.W. 15 Sunil Kumar is the first Investigating Officer of the case. He stated that on 23.01.2009, he was posted as Sub-Inspector in Patliputra Police Station. On 23.01.2009, he recorded the *fardbeyan* of Mukesh Kumar Madhukar (P.W.1), which gave rise to Patliputra P.S. Case No. 26 of 2009 under Section 361(A) of the I.P.C. After recording the *fardbeyan*, he himself took over the investigation of the case. He has proved the *fardbeyan* as Exhibit-1. He also proved the signature of informant Mukesh Kumar Madhukar as Exhibit-1/3. He also proved the endorsement on *fardbeyan* as Exhibit 1/4 and the formal F.I.R. as Exhibit-1/5. After taking over the charge of investigation at 7:00 pm., on 23.01.2009, he first proceeded for the place of occurrence. He first proceeded to Bailey Road, Hartali Chowk, which is the place of occurrence. Thereafter, he took reinstatement of the informant and statements of Rupesh Kumar Mandal (P.W.2), father of the victim Ashok Prasad Singh, Shashi Kant Singh (P.W.7) and Sunil Kumar Suman (P.W. 8). On 24.01.2009, for purposes of electronic investigation, he collected the suspected mobile numbers namely, 9835294626, 9430859297, 977984140488, IMEI No.



3557330252, 94710, IMEI No. 3545390 18296640 and mobile nos. 9334471498, 9431822157 and 9431612312. In course of investigation, he also visited C.M.S. Securities Private Ltd., at Patliputra Colony, located in House No. 226, where he recorded the statement of witnesses Niranjan Kumar (P.W. 12), Deepak Alok (not examined) and Navin (not examined). In course of investigation, he found that the ransom was demanded from the mobile No. 9430859297 on Mobile No. 977984140488. As the latter mobile number was of Nepal, the same could not be put under surveillance. However, he gave necessary informations to the D.S.P. As per information provided by the informant, he too accompanied the witnesses to several places where the accused had called him for payment of ransom. Finally, the informant was called at Sanauli near Raxaul. Lastly, the accused asked the informant to come to Ramgarwa via Sanauli on Nepal Border for payment of ransom. Accordingly, he along with informant reached Sanauli, where he apprehended Rajesh Singh @ Vishwanath Srivastava of village Bhairwan, Nepal while accepting ransom. He arrested Rajesh Singh @ Vishwananth Srivastava and on search, a mobile, bearing SIM no. 9779803653033, was recovered. One more SIM, bearing 9841178284, was also recovered. Besides this, two more pre-paid SIM bearing nos. 89911500028530158003 and



1606061583293948 were recovered. A Nepali Passport was also recovered from his possession. He recorded the confessional statement of Rajesh Singh @ Vishwanath Srivastava in his own hand writing, which he proved as Exhibit-12. In his statement, Rajesh Singh @ Vishwanath Srivastava disclosed the name of appellant, Mohit Tiwary, painter and other members of his associates. Rajesh Singh @ Vishwanath Srivastava was subsequently remanded to judicial custody on 07.02.2009. He investigated the case till 7th February, 2009 and handed over the charge to G.S. Mishra, In-charge of Patliputra Police Station. In cross-examination, he stated that he recorded the confessional statement of apprehended accused Rajesh Singh @ Srivashtava, who also disclosed the involvement of appellant Mohit Tiwary.

13. P.W. 6 Gadadhar Nath Mishra is the second Investigating Officer of the case. In course of investigation, he arrested appellant Jaswant Singh @ Jassu and one Prem Kumar and recorded their confessional statement, as detailed in paragraph nos. 64 and 65 of the case diary. He further stated that Prem Kumar, appellant Jaswant Singh @ Jassu, Ajay Kumar @ painter and Udai Shanker Tiwary were arrested and remanded in Gandhi Maidan P.S. Case No. 340 of 2008. He again took the re-instatement of Mukesh Kumar Madhukar (P.W. 1). He further stated that he

submitted Charge Sheet No. 108 on 03.04.2009 against accused Bishwanath Srivastava, Prem Kumar Singh, Jaswant @ Jassu, Ajay Kumar @ Painter and Udai Shankar Tiwary and also procured warrant of arrest against Mohit Tiwary. He further stated that he handed over the charge of investigation to Sanjay Singh (P.W. 13) on 02.08.2009.

14. The relevance of this witness is to the extent that he got recorded the confessional statement of appellant Jaswant Singh and submitted charge-sheet against Bishwanath Srivastava, Prem Kumar Singh, appellant Jaswant @ Jassu and Udai Shankar Tiwary.

15. P.W. 13, Sanjay Kumar Singh, is third and last Investigating Officer of the case. He stated that on 06.08.2009, he was posted in Patliputra Police Station, on which date, he took over the charge of investigation from G.N. Mishra (P.W. 6). When he started investigation of the case, investigation of Gandhi Maidan P.S. Case No. 340 of 2008, was also pending. In the aforesaid case, a team was constituted by Senior Officer namely City S.P., Patna under the leadership of Vinay Kumar, I.O. of the Gandhi Maidan P.S. Case No. 340 of 2008 for arrest of Mohit Tiwary. On 07.08.2009, he along with Vinay Kumar proceeded for Kolkata for arrest, who was wanted in the present case as well, as in the



aforesaid case. They first went to S.T.F. Office, Kolkata and made a request for conducting raid. Thereafter, Mohit Tiwary was apprehended from New Market, Kolkata on 09.08.2009 on the basis of information of the spy. At the time of arrest of Mohit Tiwary, a sum of Rs.38,060/- was recovered from his possession, in respect to which a seizure list was prepared by Vinay Kumar, Investigating Officer of the said case. The seizure was prepared in his presence. On 10.08.2013, Mohit Tiwary was taken on transit remand by the order of Chief Judicial Metropolitan Magistrate, Kolkata in connection with Gandhi Maidan P.S. Case No. 340 of 2008. On 11.08.2009, he was taken to Police Station Gandhi Maidan, where his confessional statement was recorded by Sub-Inspector Vinay Kumar (not examined).

16. This witness has recorded the confessional statement of Mohit Tiwary in the case diary. He further stated that he recorded the details of the confessional statement in the case diary of the present case. On the disclosure of Mohit Tiwary, as made in his confessional statement, two skeletons were recovered near 'Sinha Sadan' out house. They went to the compound of 'Sinha Sadan' Shivpuri, which belonged to Bharat Kumar Sinha (P.W. 3) and from his court-yard, on the said information, the skeletons of two dead bodies were dug out. This witness prepared



Inquest Report and also prepared seizure list of the skeletons. The Inquest Report of the skeletons and seizure list were prepared by Vinay Kumar. Thereafter, bone and hair of the dead body were taken to P.M.C.H. for D.N.A. test in connection with Gandhi Maidan P.S. Case No.340 of 2008. He prepared the sketch map of the place, where the skeletons were recovered, which he proved as Exhibit-5. Thereafter, he made a prayer before C.J.M., Patna for adding section 201 of the I.P.C. On 18.08.2009, an application was filed for identification of the clothes and bones of the two dead bodies, by the informant and accordingly, on 20.08.2009, in presence of Circle Officer, Patna T.I.P. was held, in which he identified the clothes to be that of the deceased Santosh Kumar. He further stated that one Satyendra Singh (P.W.9) and Narendra Pal Singh (P.W. 10) put their signatures as witness on the Chart of Test Identification Parade. He also took the blood of mother of the deceased Meera Devi (P.W.11) and father of the deceased, Ashok Prasad Singh (P.W. 4) for ascertaining whether the skeletons, as recovered, were that of the deceased. The D.N.A. Test confirmed the matching of the blood with that of the skeletons of dead bodies, recovered from the premises of Bharat Kumar Singh (P.W. 3). The blood samples of Meera Devi, mother of the deceased and Ashok Prasad Singh, father of the deceased were taken by the Medical



Officer, Gardener Hospital, Patna for matching of the D.N.A. from the recovered skeletons. Thereafter, the liquid blood and blood stains of Meera Devi, mother of the deceased and Ashok Prasad Singh, father of the deceased were taken for the purpose of matching it with D.N.A. of the skeletons recovered from the premises of P.W. 3 (Bharat Kumar Sinha). The liquid blood and blood stains of Meera Devi were marked as Exhibit-A1 and B1 respectively, whereas liquid blood stains of Ashok Prasad Singh were marked as Exhibit-A2 and B2. After taking permission of the Court of C.J.M., the samples were forwarded to the F.S.L., Patna for examination. The skeletons of two dead bodies were also marked as Exhibit-A and B. The liquid stains of Meera Devi and Ashok Prasad Singh were sent to F.S.L. along with samples of bones recovered from the premises of P.W. 3 (Bharat Kumar Sinha). After completing the investigation, charge-sheet was submitted against appellant Mohit Tiwary for the offence under Section 364A, 120B and 302/201 of the I.P.C. He further stated that in the confessional statement of Mohit Tiwary, the name one Rohini Patel had also figured, who was apprehended at Bettiah, who also admitted his guilt in the confessional statement. He also submitted charge-sheet against Rohini Patel.

17. In cross-examination, he stated that he could not



find out any mobile registered in the name of appellant Mohit Tiwary. He further stated in his cross-examination that there was no written instruction of the Superintendent of Police that he had to go to Kalkota along with Vinay Kumar, S.I. Gandhi Maidan Police Station, as a member of the team, for the purpose of investigation of the said case. He admitted that for conducting the investigation outside the State, a written permission of the Superior Officer is imperative. He stated that he has not written any such application to his Superior Official that he is going outside the State for conducting investigation. He further stated that he had not detailed the time of departure for Kalkota in the case diary on 07.09.2009.

18. Mr. Surendra Singh, learned Senior Advocate, appearing on behalf of appellant Mohit Tiwary, submits that there is no direct evidence of the commission of crime and the prosecution has utterly failed to prove the charge beyond all reasonable doubts. He submits that the case is based on circumstantial evidence, which is not adequate and conclusive to hold the appellant guilty. He also submits that the only evidence against the appellant Mohit Tiwary is that on his disclosure, the skeletons of the dead bodies of deceased Santosh Kumar was recovered from the premises of P.W. 3, Bharat Prasad Singh. Furthermore, the confessional statement of Mohit Tiwary was



recorded by Sub-Inspector of Gandhi Maidan Police Station on 11.08.2009 and not by the Investigating Officer of Patliputra Police Station, Patna. He next submits that even assuming that the dead body was recovered on the disclosure of appellant Mohit Tiwary, the same is itself not sufficient to suggest the culpability of the appellant in the crime. In support of his submission, learned counsel has relied upon the decision reported in the case of ***Kanbi Karsan Jadav Vrs. State of Gujrat reported in AIR 1966 Supreme Court, page 821.***

19. Mr. Ramakant Sharma, learned Senior counsel appearing on behalf of the appellant Jaswant Singh @ Jassu @ Sant, has substantially adopted the arguments advanced by the learned Senior counsel for the appellant Mohit Tiwary. He too submits that the only material against the appellant is that the two skeletons of the dead body, including dead body of the deceased Santosh Kumar, were recovered from the out house of P.W. 3, Bharat Kumar Sinha, on whose rented premises, in which appellant along with two others resided for sometimes. He submits that there is no evidence that he took the premises prior to the missing of the deceased Santosh Kumar from his house till the recovery of the dead body. He, thus, submits that P.W. 3, Bharat Kumar Sinha, has not made any specific statement to the effect that this appellant was



tenant on the date, on which the deceased went missing and resided so, till the time of recovery of the skeletons from the premises of P.W. 3. To the contrary, he admitted that at the time of recovery of the skeletons, this appellant had already vacated the premises and the same was occupied by others, who too vacated the same due to fear. He, thus, submits that there is no material evidence to hold the appellant guilty for the charge either under section 364 or 302 of the I.P.C. read with section 301 and 120B of the I.P.C.

20. On the other hand, Mr. A.K. Sinha, learned counsel appearing on behalf of the State, submits that on the disclosure of appellant Mohit Tiwary, the skeletons of two dead bodies, including that of the deceased, Santosh Kumar, which suggests his special knowledge about the disappearance of the deceased Santosh Kumar and his murder. He next submits that name of appellant Mohit Tiwary has figured in the confessional statement of Rajesh Singh @ Vishwanath Srivastava, who was apprehended by the Police while accepting the ransom amount. He also submits that these two circumstances are sufficient to hold Mohit Tiwary guilty of the charges. So far as, Jaswant Singh @ Jassu @ Sant is concerned, his name figured in the confessional statement of Mohit Tiwary. Besides this, admittedly he was a tenant in the out house of P.W. 3, Bharat Kumar Sinha, fromwhere

the skeletons were recovered in the premises. Learned counsel further submits that the prosecution has brought sufficient materials against both the appellants.

21. On going through the evidence, as discussed above, in the forgoing paragraphs, we find that the circumstances, which have been brought against the accused persons, are not sufficient to convict the appellants for the charges under Sections 364, 302, 201 and 120B of the I.P.C. The learned counsel for the appellant Mohit Tiwary has rightly relied upon the decision of the Hon'ble Apex Court in case of *Kanbi Karsan Jadav* (supra). It would appear that confessional statement of Mohit Tiwary was brought on record by Vinay Kumar, Sub-Inspector, Gandhi Maidan in connection with Gandhi Maidan P.S. Case No. 340 of 2008, but he has not been examined in the instant case. So, merely on the basis that the skeletons of the two dead bodies, including that of the deceased Santosh Kumar, were recovered on the disclosure of this appellant, we cannot convict him for the charge under Sections 364A, 302 and 201 I.P.C. Similarly, there is no concrete evidence against Jaswant Singh @ Jassu that he was tenant on the date the deceased Santosh Kumar went missing till the time of recovery of the skeletons. This apart, there is no other legal incriminating material against Jaswant Singh @ Jassu also to hold him guilty of

charge beyond all reasonable doubts. .

23. In view of the forgoing discussions and in the facts and circumstances of the case, we are of the considered view that the prosecution has failed to bring home the charges against the appellants under section 364A, 201, 120B of the I.P.C.

24. In the result, these appeals are allowed. The impugned judgment of conviction dated 28.10.2014 and order of sentence dated 31.10.2014 passed by the *Ad hoc* Additional District and Sessions Judge-IV, Patna against the appellants, are hereby set aside. They are acquitted of the charges. The above named appellants are in jail custody, therefore, they are directed to be released forthwith, if not wanted in any other case.

(Samarendra Pratap Singh, J)

(Rajendra Kumar Mishra, J)

Shail/-

AFR/NAFR	NAFR
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