

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.116 of 2016

Arising Out of PS.Case No. -194 Year- 2001 Thana -BANKA District- BANKA

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1. Ritesh Kumar Singh, son of late Jyotish Prasad Singh, resident of Village- Sadpur, P.S.- Banka, District- Banka, at present residing at Mohalla- Nehru Nagar, P.S. Banka, District- Banka.

.... Appellant/s

Versus

1. The State of Bihar
2. Rajendra Mandal, son of Late Chaturi Mandal, resident of village- Maheshadih, P.S. Banka, District- Banka,
3. Dinesh Jha, son of Late Ramesh Jha,
4. Sanjay Jha, son of Late Ramesh Jha, Both resident of village Bara P.S. Banka, District- Banka.
5. Prakash Mandal, son of Sri Bindeshwari Mandal, resident of village- Maheshadih, P.S. Banka, District- Bankar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pankaj Kr. Sinha, Advocate with
Mr. Rajiv Kumar Singh, Advocate

For the Respondent/s : Ms. S. B.Verma, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

&

HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

2/ 29-03-2016

I. A. No.372 of 2016:

This Interlocutory Application has been filed under Section 5 of the Limitation Act for condoning the delay in filing the appeal.

Having heard the counsel for the parties, we are satisfied that sufficient ground has been made out to condone the delay in filing the appeal.

Accordingly, delay in filing the appeal is hereby condoned.

Interlocutory Application stands allowed.

Criminal Appeal (DB) No.116 of 2016 :

The present appeal is directed against the judgment dated 1st September, 2015, passed by the 6th Additional Sessions Judge, Banka, in Sessions Trial No.1241 of 2012 arising out of Banka P.S. Case No.194 of 2001 whereby Respondent Nos. 2 to 5 have been acquitted from the charge under Section(s) 302 read with 120-B Indian Penal Code.

The learned Trial Court found that the independent witnesses, namely, PW 1 (Bhudeo Yadav), PW 3 (Ghanshyam Mandal), PW 4 (Birendra Mandal), PW 5 (Baleshwar Mandal), PW 6 (Sattan Das) and PW 7 (Shivji Das) have turned hostile. PW 2 (Brajesh Kumar Singh @ Babul) is the son of the deceased, who has contradicted himself with the prosecution case as also the statement of PW 9 (Jyotish Prasad Singh), the Informant.

We find that the Trial Court has appreciated entire evidence in detail to give benefit of doubt to the accused persons. There is no perversity or illegality pointed out in the judgment impugned which would warrant interference of this Court.

The appeal, thus, stands dismissed.

(Hemant Gupta, J)

(Anjana Prakash, J)

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