

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.557 of 2016

Arising Out of PS.Case No. -190 Year- 2014 Thana -SUPAUL District- SUPAUL

Vidya Devi W/o Late Ravindra Kumar Raman R/o Manga Sihaul, PS- Marauna,
Distt- Supaul.

.... Appellant/s

Versus

1. The State of Bihar.
2. Manoj Kumar @ Manoj Yadav S/o Satyanarayan Yadav R/o Vill- Belo, P.S.-
Murliganj, District- Madhepura.
3. Nitish Kumar S/o Sadanand Yadav, R/o Vill- Mdhuvan, PS- Bharahi, District-
Madhepura.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Verma

For the Respondent/s : Mr. Dilip Kumar Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH)

Date: 11-08-2016

Re.: Interlocutory Application No.1137 of 2016.

The above interlocutory application has been filed
for condonation of delay in filing the Appeal.

Heard.

For the reasons stated in the application, delay in
filing the appeal is condoned.

Interlocutory Application stands allowed.

Re. : Cr. Appeal (DB) No. 557 of 2016.

Heard learned counsel for the appellant and
learned counsel for the Additional Public Prosecutor.



The instant appeal has been preferred against the Judgment of acquittal dated 03.02.2016 passed by the Additional District and Sessions Judge-3rd, Supaul in Sessions Trial No. 207 of 2014 arising out of Supaul P.S. Case No. 190 of 2014, whereby he has acquitted the Respondent nos. 2 and 3 of charge under Sections 302/34 and 120B of the I.P.C.

The prosecution case, in short, is that informant, Jitendra Kumar (P.W. 17) submitted a written report to the Police on 25.04.2014 stating that his elder brother Ravindra Kumar Raman, the deceased was R.J.D. candidate for the Constituency Seat No. 43. He further stated that his brother was returning to his house on 24.04.2014 after the election work, in the meantime, the accused persons namely Ramjugat Yadav, Devnandan Yadav, Lal Babu Yadav, Umanath Yadav, Vijay Kumar and other unknown persons surrounded the deceased and threatened him with dire consequences for opposing them in the election. When the deceased replied that he was just doing his work then Ramjugat Yadav and Vijay Kumar warned him that he would not remain alive if he continued to work for his party. It is further alleged that while his brother was sleeping, the accused persons came and called him and thereafter, assaulted on various parts of his body leading to his death.

The learned Sessions Judge after considering the evidence of the prosecution witnesses did not find sufficient materials to convict the Respondent Nos. 2 and 3 for the charges noted above.

Learned counsel for the appellant submits that there are discrepancies in noting down the evidence of the witnesses. He next submits that the case is based on strong circumstantial evidence and the deceased was killed under political conspiracy. The packets and some other materials were found scattered in the room of the accused.

We find that P.W. 16, Vidya Devi, the wife of the deceased has stated in her evidence that she does not know the reasons, on the basis of which, the present Respondent Nos. 2 and 3 have been made accused in the instant case. Moreover, there is no Forensic Report with regard to the iron rod, which was recovered from the place of occurrence. The blood stain clothes of Manoj Kumar @ Manoj Yadav were not sent for Forensic Examination. The Respondent Nos. 2 and 3 are not named in the F.I.R. There is no eye-witness to the occurrence and the Respondent nos. 2 and 3 have been made accused on the basis of suspicion.

We find that the trial Court has given sufficient

reasons for acquitting the Opposite Party Nos. 2 and 3, which does not appear to be unreasonable or devoid of substances. Accordingly, the instant appeal is dismissed.

(Samarendra Pratap Singh, J)

(Rajendra Kumar Mishra, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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