

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.498 of 2015

Arising Out of PS. Case No. -16 Year- 2012 Thana -PIRO District- BHOJPUR

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Lallan Singh, Son of Late Sublal Singh, Resident of Village - Chapatahi,
P.S. - Piro, District - Bhojpur.

.... Appellant

Versus

1. The State of Bihar.
2. Satyendra Singh @ Gidik Singh, Son of Late Bishwanath Singh,
Resident of Village - Chapatahi, P.S. - Piro, District - Bhojpur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Brajesh Prasad Gupta, Advocate

For the Respondent/s : Mr. Binod Bihari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH)

3 22-07-2016 Heard learned counsel for the appellant and learned
counsel for the State.

The instant appeal is preferred against the judgment,
dated 20.04.2015, passed by learned 4th Additional Sessions
Judge, Ara in S. Tr. No. 299 of 2012, arising out of Piro P.S. Case
No. 16 of 2012, by which the respondent no.2 has been acquitted
of the charges under Section 307 of the Indian Penal Code and
Section 27 of the Arms Act.

According to the appellant, on 15.12.2011, at about
7.00 A.M., while he was returning home after visiting potato field,
the respondent no.2, namely, Satyendra Singh @ Gidik Singh,

opened fire, which did not hit him, as the bullet passed from nearby his parietal region. He further alleged that respondent no.2 after opening fire, tried to reload his gun with cartridges, but on seeing the villagers having gathered, fled away.

The investigating officer (P.W. 6) did not find any marks of firing and accordingly recommended a proceeding under Section 107 of Cr.P.C. During the pendency of the proceeding under Section 107 of Cr.P.C., the appellant first tried to institute a police case and on alleged refusal, filed a complaint case, which is the basis of the instant prosecution case. Furthermore, P.W. 2 in his evidence admitted that he was an accused in a rape case, in which the relatives of respondent No.2 had deposed against him, much prior to the present occurrence.

In the circumstances, we do not find any infirmity in the judgment of the trial court acquitting respondent no.2 of the charge under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The appeal is, according, dismissed.

(Samarendra Pratap Singh, J.)

(Rajendra Kumar Mishra, J.)

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