

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1112 of 2016

Arising Out of PS.Case No. -272 Year- 2006 Thana -SABAUR District- BHAGALPUR

=====

Pappu Kumar Yadav S/o Late Nago Yadav Resident of Village- Fajilpur
(Danda Bazar), P.S. Goradih, District - Bhagalpur.

.... Appellant

Versus

1. The State of Bihar
2. Ram Sharan Yadav
3. Jeev Lal Yadav Both Sons of Motilal Yadav and Resident of Village-
Fajilpur (Danda Bazar), P.S. Goradih, District - Bhagalpur.

.... Respondents

=====

Appearance :

For the Appellant : Mr. Pramod Kumar Singh, Advocate
Mr. Parmanand Prasad Narain Sahi, Advocate
Mr. B.K. Tiwary, Advocate.

For the Respondents : Mrs. Shashi Bala Verma (APP)

=====

**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH**

and

**HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

3 09-12-2016 The son of the deceased is the appellant; he was the
informant as well.

This is an appeal against acquittal as recorded by the
Additional Sessions Judge-VI, Bhagalpur in Sessions Trial No.
410 of 2007 in respect of the offence under section 302/34 of the
Indian Penal Code.

The appellant is not a witness to the occurrence. He is
informed by P.W. 3 that while P.W. 3 with another, after
consuming alcohol on the eve of Dushara festival, were crossing



the river instead of taking the bridge they decided to cross the river on foot. Allegedly, the private respondent nos. 2 to 3 who are brothers and who had accompanied the deceased in the drinking binge, drown him.

The trial Court has noticed that there is no motive at all attributed. It is common ground that all the parties including the witnesses alleged that the deceased was drowned by the private respondents who were consuming liquor together. The postmortem report shows that the death was caused by drowning in the river.

If the trial Court has given benefit of doubt, not being satisfied with the evidence of a person who consumed liquor and seeing the incident, we see no reason to take a different view of the matter. This appeal is accordingly, dismissed.

(Navaniti Prasad Singh, J)

Abhay/-

(Jitendra Mohan Sharma, J)

U		T	
---	--	---	--

