

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1113 of 2016

Arising Out of PS.Case No. -13 Year- 2003 Thana -KATAYA District- GOPALGANJ

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Haroon Mian, s/o Shamsher Mian, r/o village- Brari Harkesh, P.S.
Uchkagaon, District- Gopalganj.

.... Appellant

Versus

1. The State of Bihar
 2. Makbul Mian, s/o late Samtali Mian
 3. Salfa Bibi, w/o Makbul Mian
 4. Khushkharid Mian, s/o Makbul Mian
 5. Mahmood Mian, s/o Makbul Mian
 6. Maula Mian, s/o late Samtali Mian
 7. Makhahir Mian, s/o late Samtali Mian
 8. Ramesh Yadav, s/o Chandar Yadav
- All r/o village- Bhedhiya, P.S. Kataya, District- Gopalganj.

.... Respondents

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Appearance :

For the Appellant : Mr. Mohammad Sufyan, Advocate.
For the State : Mr. Abhimanyu Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
and
HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

3 21-12-2016 This appeal under Section 372 of the Code of Criminal Procedure has been filed by the father of the deceased lady.

The case was instituted and the private respondents were charged for an offence under Section 304B of the Indian Penal Code.

The trial court after examining all the evidences, acquitted the accused persons.



We have gone through the judgment and heard the learned counsel for the appellant at length. We find no reason to interfere with the judgment dated 26.7.2016 passed by the learned Additional Sessions Judge-VIII, Gopalganj, in Sessions Trial No. 198 of 2005/CIS No. 2752 of 2013 arising out of Kateya P.S. Case No. 13 of 2003 for the simple reason that whether the death was homicidal or not, has not been established, though, the body of the deceased was buried in the *Qabristan*, it was neither exhumed nor examined in any manner. The prosecution witnesses deferred as to the cause of death. Some alleged that she had got burnt, some alleged that she was throttled and some alleged that she was probably poisoned. There are no evidences. In absence of homicidal death, neither the provisions of Section 302 of the Indian Penal Code nor Section 304B of the Indian Penal Code would at all be attracted.

Finding no merits in the appeal, the same is dismissed accordingly.

(Navaniti Prasad Singh, J)

(Sanjay Priya, J)

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