

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.929 of 2006

Arising Out of PS.Case No. -0 Year- null Thana -null District- BEGUSARAI

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Jitendra Mahto S/o Bishundeo Mahto, resident of village Samsa, P.S. Naokothi,
District Begusarai, at present address resident of village Chilmil Tola, P.S.
Muffasil, District Begusarai

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jai Prakash Singh, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-06-2016

Appellant Jitendra Mahto has been convicted and sentenced to R.I. for six years and fine of Rs.5,000/- under Section 306 I.P.C., in default of which R.I. for another three months by judgment dated 25/27.09.2006 passed by the Additional Sessions Judge, F.T.C. II, Begusarai in Sessions Trial No.483 of 2004.

2. The case of the Informant Sunita Devi is that her daughter was married with the present Appellant about three years ago but the in-laws always demanded dowry and killed her daughter by administering poison to her. The Appellant and his other family members were put on trial and whereas rest of them were acquitted the Appellant was convicted under Section 306 I.P.C.

3. The case of the Appellant was that since the Informant, who was the step mother of the deceased, had taken away her ornaments and failed to return it despite a panchayati in this regard the deceased being aggrieved committed suicide.

4. During trial the prosecution examined five witnesses. P.W.1 Gaja Devi is the sister of the Informant, who stated that the deceased was married to the Appellant about 3 years ago and she learnt from the neighbours that the deceased used to complain about her in-laws but there was no quarrel ever in her presence.

5. P.W.2 Basant Mahton stated that he had heard that the accused persons had administered poison to the deceased but he did not know personally as to who had administered poison to her.

6. P.W.3 Ram Balak Singh is the father of the deceased, who also corroborated the fact of marriage of the Appellant with the deceased and information about her death while he was at Haryana. He also stated that he learnt that his daughter had been killed for reasons of dowry from the co-villagers.

7. P.W.4 is Dr. Satish Kumar, who performed the postmortem on the dead body of the deceased but did not find any ante mortem injury and only find froth coming out from nostrils. He could not ascertain the reasons of death and hence sent the viscera for testing to the Forensic Science Laboratory.



8. P.W.5 Ranjit Singh is the Investigating Officer, who corroborates the fact of recording the statement of Sunita Devi and he proves the fard beyan as Exhibit 2 and the F.I.R. as Exhibit 3. He stated that during investigation he came to learn that a quarrel had taken place between the deceased and her husband. He did not find any sign of poison anywhere and the dead body was lying inside the house.

9. Sunita Devi, the Informant, was examined under Section 311 Cr.P.C., who corroborated the fact of marriage and that she had found her daughter dead and that the accused persons had fled away.

10. On behalf of the defence, three witnesses were examined, namely, D.W.1 Bhikhari Mahto, D.W.2 Ram Charitra Mahto and D.W.3 Shivji Mahto, who gave out the story of the defence.

11. On going through the evidence, I find that apart from an oral allegation that the deceased had been poisoned to death there is no documentary proof by way of viscera report in support of such allegation. There is material which would point to the Appellant ever instigating the deceased to commit suicide.

12. In such circumstances, the conviction of the Appellant is without any reasonable cause and hence the Appeal is

allowed and the Appellant Jitendra Mahto, who is on bail, is acquitted from the charges levelled against him and discharged from the liabilities of the bail bonds.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
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