

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.758 of 2016

Arising Out of PS.Case No. -176 Year- 1992 Thana -SUPAUL District- SUPAUL

Indu Kumari, Daughter of Late Nand Kishore Mehta, Resident of Village-Lachhminia, P.S. & District Supaul.

.... Appellant.

Versus

1. The State of Bihar.
2. Bhola Prasad Mehta @ Bhola Mehta, Son of Fani Lal Mehta, Resident of Village-Lakshminia, P.S. & District Supaul.
3. Kartik Kumar, Son of Bhola Mehta @ Bhola Prasad Mehta, Resident of Village- Lakshminia, P.S. & District Supaul.
4. Rajendra Mehta, Son of Dip Narayan Mehta, Resident of Village-Lakshminia, P.S. & District Supaul.
5. Jagdish Mehta, Son of Thatradhari Mehta, Resident of Village-Manganj (Chikni), P.S. Jadiya, District Supaul.
6. Parwati Devi, Wife of Bhola Mehta @ Bhola Prasad Mehta, Resident of Village-Lakshminia, P.S. & District Supaul.

.... Respondents.

Appearance :

For the Appellant : Mr. Mrityunjay Kumar, Advocate.
For the State : 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: 17-08-2016

The instant appeal is directed against the Judgment dated 09.05.2016 passed in Sessions Trial No.51 of 1996, arising out of Supaul P.S. Case No.176 of 1992/G.R. No.489 of 1992, whereby the Additional Sessions Judge-III, Supaul, while convicting one co-accused Ganesh Kumar for the offence under Section 302 of the Indian Penal Code, acquitted the Respondent Nos.2 to 6 of the charges

under Sections 302 and 323 of the Indian Penal Code.

2. The prosecution case, according to the informant/appellant Indu Kumari, is that on 05.07.1992, she heard hulla that the five F.I.R. named accused, namely, Bhola Mehta, Parwati Devi, Ganesh Kumar, Kartik Kumar, Jagdishwar Mehta, and 3-4 unknown persons have surrounded her house with arms. It is alleged that while the other co-accused caught hold of her father, the co-accused Ganesh Kumar gave one Farsa blow on his head. It is further stated that when the informant tried to save her father, the co-accused Rajendra Mehta (Respondent No.2) and Upendra Mehta caught her and separated her from her father. It is further alleged that when the sister, brother and mother of the informant came to save the father of the informant, all the accused persons assaulted them. The father of the informant died on the spot.

3. We find that the learned Additional Sessions Judge-III, Supaul, has considered the evidence available on record and gave the reasons for acquitting the Respondent Nos.2 to 6 of the charges under Sections 302 and 323 of the Indian Penal Code, while convicting the co-accused Ganesh Kumar for the offence under Section 302 of the Indian Penal Code. The learned Additional Sessions Judge-III, Supaul, noticed that there was only one injury on the head of the deceased, which is attributed to the co-accused Ganesh Kumar.

Further more, no other members of the prosecution party sustained any injury on their persons.

4. In view of the above, we do not find any ground to interfere with the reasoning assigned by the trial court in acquitting the Respondent Nos.2 to 6 of the charges.

5. Thus, we do not find any merit in this appeal which is, accordingly, dismissed.

(Samarendra Pratap Singh, J)

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
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