

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.567 of 2016

Arising Out of PS.Case No. -127 Year- 2002 Thana -GARKHA District- SARAN

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Yogendra Prasad Yadav, Son of Jagan Prasad Yadav, Resident of village-
Rampur anticipatory bail P.S. –Garkha, District- Saran at Chapra, Father of
Victim

.... Appellant/s

Versus

1. The State of Bihar
2. Vijay Rai
3. Sanjay Rai. Both sons of Laxaman Rai, Resident of Village-Rampur,
P.S. Garkha, District- Saran. At Chapra.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bishwanath Prasad Singh, Advocate

For the Respondent/s : Mr. Sujit Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 09-12-2016 Three accused persons stood charged of offence punishable under Sections 366 and 366A of the Indian Penal Code at a trial, including the respondents No. 2 and 3 herein. Respondents No. 2 and 3 stand acquitted by a judgment and order dated 21.05.2016 passed by learned Additional Sessions Judge VI, Saran at Chapra in Sessions Trial No. 327 of 2005. The other accused has, however, been convicted by the said judgment and order of the offence punishable under Sections 366 and 366A of the Indian Penal Code.

The present appeal under proviso to Section 372 of the Cr. P.C. has been filed against the said judgment dated 21.05.2016 to the extent it records acquittal of the opposite parties



No. 2 and 3.

Though learned counsel appearing on behalf of the appellant has attempted to convince me that despite being ample evidence on record, learned court below has recorded acquittal and, therefore, the findings suffered from perversity, I am not convinced with such submission. On perusal of the impugned order and the evidence on record, I find that the respondents have been given benefit of doubt due to the nature of evidence adduced at the trial. The evidence adduced has been duly appreciated by the trial court. It cannot be said that conviction of respondents No. 2 and 3 could have been the only possible view on the basis of evidence adduced at the trial.

In such circumstance, I do not find to be a fit case which requires interference in an appeal against acquittal. This appeal does not deserve admission, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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