

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.982 of 2016

Arising Out of PS.Case No. -53 Year- 2013 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Mosamat Savita Devi, Wife of Late Raja Sah, Resident of village - Maldi,
Police Station Shikarpur, District - West Champaran

.... Appellant

Versus

1. The State of Bihar
2. Ghotil Rao @ Shambhu Rao, Son of Late Bhola Rai, Resident of
village - Maldi, Police Station Shikarpur, District - West Champaran

.... Respondents

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Appearance :

For the Appellant : Mr. Ram Kishun Prasad, Advocate

For the Respondents : Mr. Sri Shivesh Chandra Mishra (APP)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

3 29-11-2016

Heard the learned counsel for the appellant.

This is an appeal against acquittal in which one of the co-accused, namely, Ghotil Rao @ Shambhu Rao in relation to Sessions Trial No. 921 of 2013 arising out of Shikarpur P.S. Case No. 53 of 2013 (G.R. No. 754 of 2013) has been acquitted of the charges under sections 302/34 & 201/34 of the I.P.C. by the Additional District and Sessions Judge 6th, Bettiah, West Champaran vide judgment and order dated 18.08.2016. The learned Sessions Judge has convicted three accused persons and sentenced them to the imprisonment for life.

Learned counsel for the appellant (informant and the

wife of the deceased) submits that in the evidence of P.W.7, the investigating officer, it has come to light that in course investigation one of the co-accused has confessed his guilt and the said confession resulted into recovery of certain incriminating articles. In the confession the respondent has alleged to have confessed regarding his involvement in the crime. The trial Court has rightly, in our opinion, discarded the confession made before the police in course of investigation. The confession would only to be relevant to the extent of recoveries made pursuant thereto. Apart from this, there is no other material implicating the private respondent.

We thus find no merit in this appeal. It is accordingly dismissed.

(Navaniti Prasad Singh, J.)

Rajiv/-

(Jitendra Mohan Sharma, J.)

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