

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1019 of 2016

Arising Out of PS.Case No. -154 Year- 2012 Thana -SULTANGANJ District- PATNA

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Mohan Yadav, S/o Late Ram Chandra Yadav of Mohalla Mauar Lae,
Sultanganj, P.S.- Sultanganj, District- Patna.

.... Appellant

Versus

1. The State of Bihar
2. Binod Ram, S/o Shri Narayan Ram
3. Sanny @ Sunny, S/o Shri Nanda Prasad
4. Ranjan Das @ Kallu, S/o Shri Siyaram Das
5. Satish Kumar @ Natka, S/o Sri Bahadur Mahto
6. Anand Kumar @ Nanda, S/o Late Shayam Babu
7. Mahendra Ram, S/o Sri Narayan Ram No-2,3,6 & 7 of Mohalla- Mauar
Lane, Respondent No-4 and 5 of Mohalla- Gulbi Ghat, all of P.S.-
Sultanganj, District- Patna.

.... Respondents

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Appearance :

For the Appellant : Mr. R.C. Bharti, Advocate,
Mr. S.K. Bharti, Advocate
For the Respondents : Mr. S.N. Prasad (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)

4 01-12-2016

This is an appeal against acquittal filed by the father
of the victim. The trial Court after hearing the parties and
considering the entire evidence has acquitted the accused persons
for the offence, inter alia, under Section 302 of the I.P.C.

We have heard the learned counsel for the appellant
and perused the judgment in detail.

The trial Court has held that the prosecution has not
been able to prove the case beyond reasonable doubts, the reasons
for this is simple that most of the prosecution witnesses have gone
hostile. There is no eye-witness of the occurrence. The prosecution



case rested upon the statement of the deceased allegedly recorded at the hospital by the A.S.I. and witnessed by his father and his brother. The trial Court has examined the evidence of the witnesses including the I.O. who state that upon receiving the information when he went, he found that the deceased was unconscious and not in a state to make statement even though he was in the hospital in the surgical ward. The fardbeyan/statement has no endorsement by any hospital staffs, although there may be the attending doctors, nurses, ward boys or any other staffs. It is said to have been sent to the police station where it is received by the Officer In-charge whose endorsement is there on the fardbeyan. The Officer In-charge is not examined. The defence suggested that this document is created subsequently and it is because of that no doctors, medical staffs or the Officer In-charge of the police station has been examined.

In view of aforesaid and in view of the fact that there are large numbers of cases, counter cases between the parties, as has been proved in course of trial, we find no reason to interfere.

This appeal is accordingly dismissed.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

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