

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.961 of 2016

Arising Out of PS.Case No. -120 Year- 1984 Thana -BARUN District- AURANGABAD

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1. Arbind Kumar Singh son of Late Sadhu Singh Resident of Village-Mehnda, P.S.- Baroon, District-Aurangabad

.... Appellant/s

Versus

1. The State of Bihar
2. Ashok Singh son of Lat Krishna Singh Resident of Village-Mehnda, P.S.- Baroon, District-Aurangabad
3. Arvind Singh Son of Late Krishna Singh Resident of Village-Mehnda, P.S.- Baroon, District-Aurangabad
4. Naresh Singh son of Late Ghura Singh Resident of Village-Rahara, P.S.- Navinagar, District-Aurangabad
5. Ram Nandan Singh son of Late Munsu Singh Resident of Village-Ranara, P.S.- Navinagar, District-Aurangabad
6. Lakhan Singh son of Late Raghunandan Singh Resident of Village-Kaithi, P.S.- Baroon, District-Aurangabad
7. Lakhan Singh Son of Muneshwar Singh Resident of Village-Mehnda, P.S.- Baroon, District-Aurangabad

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Pd. Singh, Advocate
Mr. Satyendra Narayan Verma, Advocate

For the Respondent/s : Mr. Sri Mayanand Jha, 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 24-11-2016 This is an appeal filed by the informant against the judgment of acquittal dated 26.07.2016 passed in S. Tr. No. 120 of 1986 – 163 of 2014 by learned 3rd Additional Sessions Judge, Aurangabad.

Informant states that his uncle was killed. Having gone through the facts and circumstances, we find that the appeal itself

is not maintainable for in terms of Section 372 Code of Criminal Procedure and proviso thereof, he cannot be termed as aggrieved. He is not a victim for under Section 2 (w) (a) of the Code of Criminal Procedure as we find the victim to mean the victim as legal heir or dependant or guardian of the victim. Appellant is none. Further we may note that the very presence of the four alleged eye witnesses is firmly negated by own prosecution witness, PW 6. If that be so, then, so called eye witnesses account of what had happened, cannot be believed. The trial court rightly gave benefit of doubt to the accused persons. This appeal is accordingly, dismissed.

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

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