

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.803 of 2016

Arising Out of PS.Case No. -18 Year- 2011 Thana -BELHAR District- BANKA

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Bhim Prasad Chaudhary, S/o Late Jharkhandi Chaudhary, resident of
Village - Dighi, Police Station- Sarai Hat, District- Dumka (Jharkhand)

.... Appellant

Versus

1. The State of Bihar
 2. Manish Chaudhary, S/o Manohar Chaudhary
 3. Manohar Chaudhary, S/o Late Chakra Warti Chaudhary
 4. Kaushlya Devi, W/o Manohar Chaudhary
 5. Rakesh Chaudhary, S/o Manohar Chaudhary All are R/o Village-
Bajartal, P.S. Belhar, District- Banka
 6. Poonam Devi, W/o Diwakant Chaudhary
 7. Diwakant Chaudhary, S/o Kamleshwari Chaudhary Both are R/o
village- Katali, P.S. Banka, District- Banka Respondents
- =====

Appearance :

For the Appellant : Mr. Alok Kumar, Advocate
Mr. Nachiketa Jha, Advocate
For the Respondents : Mr. 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)

4 18-11-2016

Heard learned counsel for the appellant.

This is an appeal against acquittal. The respondents have been acquitted of the charges under sections 304(B) and 201 of the Indian Penal Code.

We have perused the judgment. Upon the analysis of evidence of the prosecution witnesses, the trial Court has accepted the plea of alibi, as the prosecution witnesses had stated that none was there in the house at the time of occurrence. The doctor who conducted the postmortem examination clearly stated that there was no sign of any external injury though the forensic report indicated organic poisonous substance. The trial Court has noted

the evidence of credible witnesses showing that it was a case of suicide for the reasons duly given in the judgment. The prosecution witnesses also admitted that the informant/appellant and others were present at the time of cremation of the deceased and it is only subsequently that they lodged the F.I.R. It is also admitted by the prosecution witnesses that even before cremation, information was given to the informant and the informant had arrived and there was no attempt to conceal any evidence. It is also admitted in the evidence that the husband of the deceased, who was working at Pune after receiving information had arrived by flight and he has also participated in the last rites. Father-in-law of the deceased was himself present during the last rites.

In our view, the trial Court has considered the evidence correctly and the judgment is not based on any conjecture or surmises. Merely because his second view is possible it could not be a ground for reversing judgment of acquittal.

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

(Navaniti Prasad Singh, J.)

Rajiv/abhay

(Jitendra Mohan Sharma, J.)

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