

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1098 of 2016

Arising Out of PS.Case No. -18 Year- 2007 Thana -MARAUNA District- SUPAUL

=====

Chandrakala Devi, wife of Deceased Bhola Mandal, Resident of Village-Kharagpura, P.S.- Marauna, District- Supaul.

.... Appellant

Versus

1. The State of Bihar
2. Rameshwar Mandal
3. Phucher Mandal Both sons of Bekan Mandal
4. Ghuran Mandal, son of Rameshwar Mandal
5. Raman Jee Mandal son of Ramphal Mandal All are Resident of Village-Kharagpura, P.S.- Marauna, District- Supaul.

.... Respondents

=====

Appearance :

For the Appellant : Mr. Shanti Kumar, Advocate
Mr. Dhananjay Kumar Tiwary, Advocate
Mr. Baban Kumar Advocate
Mr. Anuj Kumar. Advocate
For the Respondents : Mr. Sri Abhimanyu Sharma (APP)

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

3 09-12-2016 This appeal is under Section 372 of the Code of Criminal Procedure filed by the wife of the deceased, who was the informant, against the judgment and order of acquittal of the accused persons for the offence under section 302/34 of the Indian Penal Code.

We have heard the learned counsel for the appellant at length.

The very prosecution version shows that the trial



Court committed no error in acquitting the accused persons. It is alleged that the husband of the informant was found hanging on a tree in the orchard of the village, police had come, the informant herself admits that she had given statement that her husband committed suicide and the reason was that on the day previous the deceased was apprehended on the allegation of outraging the modesty of a village girl, namely, Sabli Devi. In Panchayati where the informant was also called, fine of Rs. 25,000/- was imposed upon her husband and he was asked to deposit the amount by next day otherwise he would be killed but on the next day, as noticed above, the dead body was found hanging. The informant now says that she now realized that the statement earlier made by her was out of confusion, she now states that the Sarpanch and the accused persons had threatened that if the fine is not deposited by the next morning her husband would be killed, her husband did not return and in the next day he was found hanging and, as such, the Sarpanch and others had conspired and killed her husband. The trial Court disbelieved this story in view of her earlier statement. The learned counsel fairly concedes that so far as the second prosecution case is concerned, it is based on the proof of circumstance as against the accused persons but those are not a complete chain leading to irresistible conclusion that only the



accused persons, though alone, could have committed the offence.

That being so, in our view, if the accused persons are acquitted there is no miscarriage of justice. We find no merit in this appeal. It is accordingly dismissed.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Abhay/-

U		T	
---	--	---	--

