

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1000 of 2016

Arising Out of PS.Case No. -12 Year- 1995 Thana -SAHKUND District- BHAGALPUR

Subhadra Devi, wife of Late Bhim Thakur resident of village - Manikpur,
P.S. - Shahkund, District - Bhagalpur.

.... Appellant

Versus

1. The State of Bihar.
2. Nand Kumar Thakur @ Nanhaku Thakur, son of Chandrasekhar Thakur
3. Most Neelam Devi, wife of Late Bharat Bhushan Thakur
4. Pawan Kumar Thakur, son of Mahesh Thakur, resident of village - Manikpur, P.S. - Shahkund, District - Bhagalpur.

.... Respondents

Appearance :

For the Appellant : Mr. Abhay Kumar Singh, Advocate
For the Respondents : Mr. 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)

2 30-11-2016

This is an appeal against acquittal as recorded by the
1st Additional District and Sessions Judge, Bhagalpur being dated
28.07.2016 in Sessions Trial No. 642 of 1996 in which three
private respondents have been acquitted of the charge under
section 302/34 of the I.P.C.

We have heard learned counsel for the appellant at
length and perused the judgment. We see no reason to take a
different view in the matter.

Admittedly, there is no eye-witness of the occurrence.
One Amol Thakur, who would have been the best witness of the

occurrence which has taken place, as alleged, who was to live with the deceased in absence of the informant, his wife, who is examined as defence witness. On the basis of her evidence it is apparent that some people had seen the quarrel between the deceased and the accused on the day of occurrence. In the night the body of the deceased was found hanging in his own house. It is submitted that on the basis of these two evidences conclusion had to be that the accused persons are responsible for causing death of the deceased.

We are unable to accept the same. The proof of circumstances for such an event has to be completed and unbroken with the irresistible conclusion that only the accused persons would have and no other person could have committed the offence, such is not the case.

This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Rajiv/abhay

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