

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.988 of 2016

Arising Out of PS.Case No. -149 Year- 1999 Thana -TRIVENIGANJ District- SUPAUL

Tara Devi, Wife of Yogendra Yadav, Resident of village - Kusha Tolla
Gogiya Patti, P.S. Triveniganj, District - Supaul

.... Appellant

Versus

1. The State of Bihar
2. Dev Dat Yadav, Son of Late Baccha Yadav, Resident of village -
Gogiya Patti, P.S. Triveniganj, District - Supaul

.... Respondents

Appearance :

For the Appellant : Mr. Bijay Kumar Pandey, Advocate
Mr. Mukesh Kumar, 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)

3 30-11-2016 This is an appeal filed by the informant who is the wife of the deceased, against the judgment and order of acquittal as passed by the 1st Additional District & Sessions Judge, Supaul dated 30.06.2016 in Sessions Trial No. 67 of 2002/ 266 of 2005 whereby the Sessions Court has acquitted the sole accused person of the charges under sections 302 & 120(B)/34 of the I.P.C.

We have heard the learned counsel for the appellant and perused the judgment under appeal. We see no reason to interfere with the same. None of the witnesses examined by the prosecution are eye-witnesses, each of them show the burden of disclosing the name of the appellant on others. The informant who

lodged the F.I.R. bringing out the case though not an eye-witness. She states that after hearing the sound of gun shot ran to the agricultural field and found her husband lying there grievously injured having received gun shot, his jaw has been totally smashed and missing. He had a bullet wound in the stomach. He managed to whisper and disclosed the genesis of the occurrence by disclosing the name of the assailants who were involved while being taken for treatment and died.

The trial court has not believed on the evidence being given by the prosecution witnesses. We have found no reason to take a different view upon analysis of the evidences as noticed above. Accordingly, this appeal is dismissed.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Rajiv/abhay

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