

IN THE HIGH COURT OF JUDICATURE AT PATNA
Govt. Appeal (DB) No.29 of 2016

=====

The State of Bihar through the Collector, Bhagalpur.

.... Appellant

Versus

1. Umesh Singh Son of Late Govind Singh
2. Sahdeo Singh, son of late Govind Singh,
3. Chano Singh, Son of Late Govind Singh
All residents of Village: Pachgachia, P.S: Gopalpur, District- Bhagalpur.

.... Respondents

=====

Appearance:

For the Appellant : Mr. Satya Narayan Prasad, APP

For the Respondents :

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 15-02-2017

Heard learned counsel for the State.

2. We have perused the judgment under appeal by which the learned Additional District & Sessions Judge IIIrd, Naugachia (Bhagalpur) has acquitted the accused persons who are charged with offences under Sections 147, 148, 307, 427, 302 and 149 of the Indian Penal Code and Section 27 of the Arms Act for killing of one Satish Singh on the morning of 24.03.2013.

3. The learned trial Court has examined the evidences in detail and it has come to the finding that the father of the deceased PW3 himself does not support the prosecution story. He has categorically stated that it was members of one Kaila group who had killed his son (not the persons charged in this trial). The trial Court has also noticed that one Mithilesh Singh, son of the informant was an



accused for killing of one Rudal Singh for which another case simultaneously was instituted, which appears to be from the same transaction. The son of the informant namely, Mithilesh Singh, has been chargesheeted in the said counter case for killing of Rudal Singh. Noticing the evidences of other witnesses, the trial Court, in our view, has come to the correct finding that the prosecution has suppressed the two occurrences and has made up a different story only to save Mithilesh Singh, son of the informant. The learned trial Court also, on analysis of the evidences, has come to the correct finding that the story as set up is not correct inasmuch as, Rudal Singh was first killed and then Satish Singh came. The post mortem report shows a number of brickbat injuries on Satish Singh which is not compatible with the story set up by the prosecution. On basis of this the trial Court rightly held that the prosecution failed to establish its case beyond reasonable doubt.

4. In view of the aforesaid, we are not inclined to interfere in the matter. The appeal is dismissed.

(Navaniti Prasad Singh, J)

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.02.2017
Transmission Date	21.02.2017

