

IN THE HIGH COURT OF JUDICATURE AT PATNA
Govt. Appeal (DB) No.33 of 2016

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The State of Bihar through Collector, Bhojpur.

.... Appellant

Versus

1. Mukti Nath Singh
2. Rajendra Singh
Both sons of Jamuna Singh
3. Sanjay Singh, son of Mukti Nath Singh
All resident of village Sarna, P.S. – Sahpur, District – Bhojpur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Satya Narayan Prasad, APP

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

3. 10-01-2017

Heard learned counsel for the State in this

Government Appeal.

The charges were under Section 307 of the IPC alleging that the accused person had shot at the informant. During the course of trial, no independent witness supported this allegation. There is no recovery of any fire-arm. The doctor certified that there were no external injuries. No cartridge was recovered. Previous enmity is well established. Considering the aforesaid, the trial court noted, which reads as such :

“22. Thus from the discussion made so far, the fact comes to fore that there appears serious doubt over the involvement of the accused persons in the alleged occurrence. The place of



occurrence became doubtful and enmity between the parties stands admitted. The manner of occurrence does not appear to be believable. No gun has been seized and no empty cartridges were found. There is even doubt as to whether the injury received by the victim Sunil Singh is even gun shot injury. Then the prosecution has even failed to examine any independent witness. The prosecution did not even examine all the witnesses named in the chargesheet and two of them, namely, Birbal Singh and Bishun Ram have also not been examined. Thus, false implication of the accused persons cannot be ruled out. Hence, in the light of discussion made hereinabove, I am of the considered opinion that the prosecution case is of doubtful character and it could not be said that the prosecution established its case beyond all shades of reasonable doubt.”

In our view, it is not a case in which any further hearing is required. This appeal is dismissed, accordingly.

(Navaniti Prasad Singh, J.)

(Vikash Jain, J.)

Rajeev/-

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