

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.371 of 2017

Arising Out of PS.Case No. -174 Year- 2014 Thana -SAHAR District- BHOJPUR

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Dinesh Singh @ Dinesh Kumar , Son of Raj Kishore Singh, Resident of
Village- Enurukhi, P.S.- Sahar, District- Bhojpur.

.... Appellant/s

Versus

1. The State of Bihar.
2. Sunil Kumar Singh, S/o Yogendra Singh,
3. Lallu Singh, son of Manan Singh,
4. Ojindra Singh, son of Atwar Singh,
Respondents No.2 to 4 Resident of village- Enurukhi, P.S.- Sahar, District-
Bhojpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Girish Chandra Jha

For the Respondent/s : Sri Ajay Mishra

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

6 27-07-2017 1. Heard Sri Girish Chandra Jha, learned counsel for the

appellant and Sri Ajay Mishra, learned Additional Public

Prosecutor.

2. The present Appeal has been preferred by the
informant against the judgment of acquittal dated 19.12.2016
passed by learned 4th Additional Sessions Judge, Bhojpur , Arrah
in Sessions Trial No. 210 of 2015 arising out of Sahar P.S. Case
No. 174 of 2014 registered for the offence under Section 364, 302,
201/34 of the Indian Penal Code, 1860. By the said judgment the
learned Trial Judge has acquitted all the three accused i.e.



respondent nos. 2 to 4 from the charges under Sections 364, 302, 201 read with Section 34 of the Indian Penal Code , 1860.

3. Short fact of the case is that on 12th November, 2014 the son of the informant had gone to attend natural call at about 5.00 P.M., however, he did not return. Thereafter, on the next date i.e. on 13.11.2014 on the basis of written report, which was written by maternal uncle of the informant an F.I.R. was registered vide Sahar P.S. Case No. 174 of 2014 under Section 364, 302, 201/34 of the Indian Penal Code , 1860 against unknown and on the next date i.e. on 14.11.2014 dead body of son of the informant was found in *Ahar* where after the informant had raised suspicion against the respondent nos. 2 to 4 and as such , they were made accused and after investigation Police submitted charge -sheet under Section 364, 302 of the Indian Penal Code , 1860 read with Section 201 of the Indian Penal Code, 1860. Since the accused denied the charges , they were put on trial and charges were framed. To prove the case from prosecution side altogether nine witnesses were got examined including the doctor and I.O. However, during evidence none of the witness had stated as to whether the deceased was even lastly seen with the accused persons or not. Only material which has been brought on record is that some of the witnesses had stated that on the date of



occurrence three accused persons were seen in the lane. Save and except this material there was no material to connect the accused persons. However, a plea was taken that one of the accused i.e. respondent no. 4 had earlier threatened the informant side since one of the witness had made statement during investigation before the Dy.S.P. in a case relating to assault of Chaukidar otherwise in respect of other respondents even nothing was indicated regarding animosity save and except the fact that some of the witnesses had stated that they were seen in the lane. Neither it was a case of last seen of the deceased with the accused persons nor the prosecution has brought on record any motive for commission of such offence save and except a feeble suggestion of animosity that too against respondent no. 4 / Ojindra Singh.

4. Besides hearing, we have examined the impugned judgment. Considering the fact that there were no evidences to connect the respondents, the learned trial judge has rightly passed the judgment of acquittal.

5. It goes without saying that even in case of circumstantial evidence entire chain must be completed only then one can be convicted. However, in the present case there was no material before the trial court to hold the respondents guilty. Accordingly, we do not find any ground to grant leave to appeal



and as such, the I.A. i.e. I.A. No. 1049 of 2017 filed under Section 378(3) of the Code of Criminal Procedure, 1973 stands rejected . Consequently, the Appeal too is dismissed.

(Rakesh Kumar, J)

(Mohit Kumar Shah, J)

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