

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1310 of 2010

(Against the judgment of Conviction, dated 1.10.2010 and order of Sentence, dated 6.10.2010 passed by Shri Mohan Prasad, Additional Sessions Judge II, Vaishali at Hajipur in Sessions Trial No. 509 of 2003, arising out of Vaishali P.S. Case No. 71 of 2002)

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Rajeev Singh @ Rajeev Kumar, son of Sri Hanuman Singh, resident of
Village- Nagwan, Police Station- Belsar, O.P. Vaishali, District- Vaishali
.. **Appellant**

Versus

The State of Bihar.

.... **Respondent**

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Appearance :

For the Appellant : Mr. Kanhaiya Prasad Singh, Senior Advocate
Mr. Alok Kumar, Advocate
Dr. Rajesh Kumar Singh, Advocate
Mr. Birendra Kumar Singh, Advocate
For the State : Mr. Ashwani Kumar Sinha, A.P.P.

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CORAM:

HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH)

Date: 02-03-2017

The appeal is directed against the judgment of conviction, dated 1.10.2010 and order of sentence, dated 6.10.2010, passed by the Additional Sessions Judge II, Vaishali, in Sessions Trial No. 509 of 2003, whereby, while acquitting the two other co-accused, namely, Hanuman Singh and Sanjeev Singh, the Trial Court convicted the appellant, Rajeev Singh, under Sections 304-B read with Section 34 of the Indian Penal Code and



sentenced him to imprisonment for life.

2. The prosecution's case, as set out in the *fardbeyan* of Raj Ballav Singh, son of late Ram Chandra Singh of village Madarna, P.S. Vaishali, District Vaishali recorded by Sub Inspector, Shri Anuj Singh of Belsar O.P., P.S. Vaishali at 11:15 hrs., on 13.05.2002 at Belsar O.P., in short, is as follows:

The informant Raj Ballav Singh stated that a year ago, he married his daughter Veena Devi to the accused Rajiv Kumar son of Hanuman Singh of Village Nagwa, P.S. Vaishali (Belsar O.P.). In the marriage, he gave goods and gifts to the best of his capability. However, the accused Rajiv Kumar and his father (Hanuman Singh) also demanded a Rajdoot motor cycle on the day of the marriage. The informant assured to give motor cycle, as soon as his financial position improves. After some time, the informant brought her daughter from her sasural, who disclosed that her husband, father-in-law (Hanuman Singh) and brother-in-law (Sanjeev Kumar) have been torturing her for non-fulfillment of demand of motor cycle. The informant's daughter remained at her paternal house for some time. Later, her husband came and on his insistence, Veena Devi was sent to her sasural with him. Just after a few days, the informant's daughter sent a message complaining of assault again by her husband and others for non-



