

IN THE HIGH COURT OF JUDICATURE AT PATNA

Govt. Appeal (DB) No.27 of 2016

Arising Out of PS. Case No. - 158 Year- 2012 Thana -Bachhwara District- BEGUSARAI

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The State of Bihar through the Collector, Begusarai

.... Appellant

Versus

Dhanraj Rai S/o Sri Sekho Rai, Resident of Village- Chamtha, P.S.- Bachhwara,
District- Begusarai.

.... Respondent

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Appearance :
For the Appellant : Mr. Satya Narayan Prasad, Advocate.
For the Respondent :

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 03-03-2017

This Government Appeal is directed against the judgment of acquittal dated 03.12.2015 as recorded by the Court of Special Judge SC/ST Act, Begusarai, in Sessions Trial Case No. 496 of 2013 whereby the respondent has been acquitted of charge under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

2. We have heard learned counsel for the State and perused the judgment and we are not inclined to interfere.

3. The judgment on record itself shows that virtually there is only one prosecution witness i.e. the informant who has to some extent supported the prosecution story. The rest of independent witnesses have turned hostile. The allegation being that the informant



on coming to know that the respondent was having illicit relation with his daughter-in-law in absence of his son who had gone out of station for some time to work, they tried to catch the respondent but respondent seeing them shot and killed the informant's son. Apart from the other thing that most of the prosecution witnesses turned hostile, defence has exhibited two affidavits sworn by the daughter-in-law and her husband, son of the informant clearly showing that Dhanraj Singh, the respondent was wrongly and falsely implicated. In fact, they alleged that the deceased being another son of the informant had wrong intention in respect of his sister-in-law.

4. Be that as it may, in view of such a situation, we do not find that it is a fit case in which this Court should interfere in the matter of reversing the acquittal of the respondent. This appeal is dismissed.

(Navaniti Prasad Singh, J)

B.T/Ibrar

(Vikash Jain, J)

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