

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.690 of 2014

Arising Out of PS.Case No. -54 Year- 1994 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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Manoj Tiwari s/o Krishna Kant Tiwari, resident of Village- Basghat, P.S.
Chakia District -E. Champaran .

.... Appellant

Versus

1. The State of Bihar.
2. Lal Babu Pandey
3. Sankar Pandey , both son of Kapdeo Pandey
4. Umesh Kumar Pandey son of Lal Babu Pandey,
All resident of Village- Basghat, P.S. Chakia, Dist. E. Champaran .

.... Respondents

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Appearance :

For the Appellant : Mr. Dhananjay Kumar, Advocate.
For the State : Mr. Ashwani Kumar Sinha, APP

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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: 17-01-2017

Heard learned counsel for the appellant.

2. This is an appeal against acquittal. We have perused the judgment in question, whereby the accused persons were none else than step brother of the appellant who was the informant and have been acquitted of a charge under Section 307/34 of the Indian Penal Code. One of the grounds taken by the trial court to acquit is that there was dispute between the two brothers which is already pending decision in Title Suit instituted against the accused persons. When the appellant was trying to repair his hut the accused persons took



objection which resulted in assault grievously injuring the appellant and his family members. An F.I.R. was lodged in which it was specifically mentioned that there were about 6 (six) independent witnesses who had seen the entire occurrence. They were cited as chargesheet witnesses as well but when it came to trial, except for one, none of these independent witnesses were examined. The independent witness, who was examined as P.W. 1, upon his own admission, is a hearsay witness. Thus, the trial court held that having cited several independent witnesses, none having been examined in trial, benefit of doubt would go to the defence specifically when it is a matter of feud between two brothers.

3. Having gone through the judgment, we see no reason to interfere in the matter. Accordingly, this appeal is dismissed.

(Navaniti Prasad Singh, J)

Md. Ibrarul/-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.01.2017
Transmission Date	N.A.

