

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1249 of 2016

Arising Out of PS.Case No. -129 Year- 1996 Thana -BUXAR District- BUXAR

=====

Kashinath Rai, son of Late Ram Kripal Rai, resident of village-Piparah, P.S.-Rajpur, District-Buxar, at present Someshwar Asthan, Buxar Town, District-Buxar. Informant/Appellant.

Versus

1. The State of Bihar. Respondent 1st Set.
2. Ram Darash Rai, son of Late Bishundhari Rai.
3. Bhupendranath Rai, son of Ram Darash Rai.
Both resident of village-Piparah, P.S.-Rajpur, District-Buxar.
4. Daya Shankar Singh, son of Late Kamla Singh, resident of village-Sishrarh, P.S.-Rajpur, District-Buxar.
.... Accused Persons/Respondent 2nd Set.

=====

Appearance :

For the Appellant/s : Mr. Ravi Shanker Pankaj
For the Respondent/s : Mr. Sri Mayanand Jha

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

02 10-01-2017 This appeal under Section-372 of the Code of Criminal Procedure has been filed against acquittal. The accused persons, who are charge for an offence under Section 302/34 of the Indian Penal Code, have been acquitted by the trial Court.

We have heard learned counsel at length and perused the judgment. The trial Court has noted that the prosecution witnesses and, in particular, P.Ws.5, 6 and 7, have clearly stated that the relations of the deceased, who are said to be the eye-witnesses, were not present at the time of shoot-out. On the basis of this evidence of the prosecution witnesses themselves, the trial Court has doubted the presence of the eye-witnesses. Hence, in



- 2 -

the facts and circumstances as noted above, it cannot be said that the finding of the trial Court is perverse in any manner. In absence of eye-witnesses, the entire case against the accused persons becomes doubtful.

In that view of the matter, the acquittal, as recorded by the trial Court, needs no interference. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Vikash Jain, J.)

Trivedi/-

U		T	
---	--	---	--

