

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No 799 of 2016

Arising Out of PS.Case No. -148 Year- 2010 Thana -TARIYANI CHOWK District- SHEOHAR

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Arun Kumar Son of Late Ram Lagan Rai, Resident of Village- Gorigama Kundal,
P.S. Runnisaidpur, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar,
2. Sanjay Rai
3. Manoj Rai Both are sons of Late Rameshwar Mahto @ Late Ram Lagan Rai.
Both are residents of Tajpur, P.S. Tariyani, District- Shivhar.

.... Respondent/s

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For the Appellant/s : M/s Vinod Kr & Harendra Kr, Advocates
For the Respondent/s : Ms S B Verma, APP

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE MR JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)
Date: 09-01-2017

This appeal under Section 372 of Criminal Procedure
Code (for brevity, *Cr P C*) is against judgment and order of acquittal.

In our view, this appeal is not maintainable inasmuch as
the proviso to Section 372 of *Cr P C* is not attracted as the appellant is
neither the victim, who is dead nor guardian or legal heir of the
victim. He is the uncle of the victim.

In such view of the matter, this appeal is not maintainable
and is dismissed accordingly.

(Navaniti Prasad Singh, J)

(Vikash Jain, J)

M.E.H./-

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