

IN THE HIGH COURT OF JUDICATURE AT PATNA
Govt. Appeal (DB) No.4 of 2017

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The State of Bihar through the District Magistrate, West Champaran,
Bettiah having his office at Collectorate Compound, Bettiah

.... Appellant

Versus

1. Fakhruddin Khan, son of Samsuddin Khan, resident of Chhawadharia.
2. Zakir Shah, son of Idrish Shah, resident of Fulwaria
3. Islam Mian S/o Nathuni Mian resident of Sonkhar
3. Aurangzed Khan S/o Noor Mohammad Khan, resident of Chhawarahia,
All Police Station Ramnagar District West Champaran

.... Respondents

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Appearance :

For the Appellant/s : Mr. Mukeshwar Dayal

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

6 28-06-2017 Heard Sri Mukeshwar Dayal, learned Addl. Public
Prosecutor on Interlocutory Application i.e. I.A. No. 406 of 2017,
which has been filed for condoning the delay in filing the present
appeal. The present appeal has been filed against the acquittal of
accused persons by Judgment dated 30.06.2016. The learned 1st
Addl. Sessions Judge, Bagaha, West Champaran has acquitted
respondent nos.1 to 4 and discharged them in Sessions Trial
No.394/94 arising out of Ramnagar P.S. Case No.148/1993
G.R.No. 743/1993 under Section 302/34 of the Indian Penal Code
and 27 of the Arms Act.

In filing the appeal, delay of four months 15 days



has occurred.

By order dated 19.05.2017, it was directed to list this appeal along with Cr.Appeal (DB) No.844 of 2016. Accordingly, the record of Cr.Appeal(DB) No.844 of 2016 has been tagged with the present appeal. Cr.Appeal (DB) No.844 of 2016 was filed on behalf of the victim of the said case.

By oral Judgment dated 24.10.2016 by assigning detailed reason, a Division Bench of this Court had agreed with the finding of the trial court that the prosecution has failed to establish the case beyond all reasonable doubts.

Since out of the same Judgment of acquittal, one appeal has already been dismissed assigning detailed reason as well as the fact that the present appeal has been filed beyond four months 15 days, the Court is of the view that no purpose would be served in allowing the present appeal. Accordingly, the present appeal stands dismissed.

(Rakesh Kumar, J)

(Mohit Kumar Shah, J)

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