

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.1166 of 2017

Arising Out of PS.Case No. -86 Year- 2013 Thana -GHOGHARDIHA District- MADHUBANI

.....
{Against the Judgment of acquittal dated 16.08.2017 passed by the learned 1st Additional Sessions Judge, Madhubani, in Sessions Trial No.21 of 2014}.

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Ashok Kumar Yadav, Son of Late Ram Kumar Yadav, R/o Village- Basuari, P.S.- Ghoghardiha, District- Madhubani.

.... Appellant.

Versus

1. The State of Bihar.
2. Dhirendra Kumar Yadav.
3. Harendra Kumar Yadav.
4. Devendra Kumar Yadav.

All 2 to 4, S/o Styanarain Yadav, R/o Village- Basuari, P.S.- Ghoghardiha, District- Madhubani.

.... Respondents.

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Appearance :

For the Appellants : M/s. Suraj Narayan Prasad Sinha, Senior Advocate and Bijay Bhushan Prasad, Advocate.
For the State : Ms. S.B. Verma, A.P.P.
For the Respondent Nos.2 to 4 : Mr. Mritunjay Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

AND

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date: 07-03-2018

Heard learned counsel for the appellant as well as learned counsel appearing for the respondent nos.2 to 4. Also heard the learned Additional Public Prosecutor for the State.

2. The appellant was the informant of Ghoghardiha P.S. Case No.86 of 2013 and has preferred this criminal appeal against the



Judgment of acquittal dated 16.08.2017 passed by the learned 1st Additional Sessions Judge, Madhubani, in Sessions Trial No.21 of 2014, by which and whereunder he acquitted the respondent nos.2 to 4 of the charges framed against them for the offences under Sections 302/149 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the appellant submits that in course of trial, four prosecution witnesses claimed themselves to be eye witnesses of the alleged occurrence and they supported the prosecution story and apart from this, the appellant was examined as prosecution witness and claimed to have seen the respondent nos.2 to 4 and some unknown persons, while they were fleeing after committing the murder of the deceased.

4. On the other hand, learned counsel appearing for the respondent nos.2 to 4 supported the impugned Judgment of acquittal, arguing that the learned trial court has doubted the testimony of the so-called eye witnesses on valid and genuine grounds and, as a matter of fact, the learned trial court having taken the entire facts, circumstances and evidences passed the Judgment of acquittal.

5. We went through the impugned Judgment and we do not find any ground to interfere into the impugned Judgment because the learned trial court has passed a well discussed Judgment.

6. Accordingly, this criminal appeal stands dismissed on



the admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
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