

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1148 of 2017

Arising Out of PS.Case No. -150 Year- 2015 Thana -MAJHAHGARH District- GOPALGANJ

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Shamshul Haque, Son of Late Rahmat Mian, R/o Village- Pathra, P.S.-
Majhagarh, District- Gopalganj.

.... Appellant

Versus

1. The State of Bihar.
2. Amirul Haque,
3. Azizur Rahman @ Gama Both Sons of Late Bashiruddin , R/oVillage-
Pipra, P.S.- Majhagarh, District- Gopalganj.

.... Respondents

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Appearance :

For the Appellant : Mr. Rajesh Kr. Sinha, Adv.
Mr. Radhe Shyam, Adv.

For the State : Mr. Shashibala Verma, Adv.

For the Respondent/s : Mr. Prashant Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

And

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

7 23-01-2018 Heard learned counsel for the appellant, learned
Addl. Public Prosecutor for the State as well as learned counsel
appearing for private respondents.

This appeal has been preferred against the
Judgment of acquittal dated 03.07.2017 passed by learned
Addl. Sessions Judge-VIII, Gopalganj in Sessions Trial No. 119
of 2016 by which and whereunder he acquitted the private
respondents of the charges framed under Section 302/120-B of
the Indian Penal Code.

The ground of acquittal appears to be improbability



of prosecution evidence and lack of complete chain of circumstantial evidence.

Learned counsel appearing for appellant, although, tried to convince us that the informant claimed to have seen taking away the deceased by the private respondents and others in the night of alleged occurrence and subsequently, in the next morning, the dead body of deceased was recovered in front of house of the private respondents, but we are not at all convinced with the aforesaid submissions, because the perusal of the impugned Judgment of acquittal goes to show that I.O found the dead body of deceased in hospital and the prosecution did not give any explanation as to how the dead body of deceased was reached to the hospital. Moreover, the learned trial Court has doubted the entire prosecution story on genuine reasons and, therefore, we do not think it proper to interfere into the impugned Judgment of acquittal. Accordingly, this appeal stands dismissed at admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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