

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.712 of 2018

Arising Out of PS. Case No.-135 Year-1997 Thana- BAUSI District- Purnia

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Asgar Imam @ Md Asgar Imam son of Abdul Jalil Resident of Village
Bakaria P.S. Baisi, District Purnea.

... .. Appellant

Versus

1. The State of Bihar.
2. Md. Kasim son of Late Md. Hussain
3. Md. Muslim son of Late Md. Hussain
4. Md. Muztawa son of Late Ajijur Rahman
5. Md. Idrish son of Late Abdul Karim
6. Md. Mobin son of Late Aminuddin
7. Md. Tanbir Alam son of Md. Sabbir Alam alias Barjhan
8. Md. Jawid Alam son of Sabbir
9. Md. Arshad son of Md. Muslim
10. Gulam Mohammad son of Kalimuddin
11. Md. Tajuddin son of Md Kalu
12. Md. Hasib son of Late Salim
13. Mukhtar Alam son of Late Salim All residents of village Bakaria, p.s. Baisi,
District Purnea.

... .. Respondents

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Appearance :

For the Appellant	:	Mr. Ashok Kumar, Adv. Mr. Ram Prawesh Kumar, Adv.
For the Respondents	:	Mr. Abhimanyu Sharma, APP

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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)**

3 31-07-2018 Heard learned counsel appearing for the appellant as

well as learned Addl. Public Prosecutor for the State on the



point of admission as well as on I.A. No. 1931 of 2018, which has been filed under Section 378 (3) of the Code of Criminal Procedure.

The appellant is aggrieved by the Judgment of acquittal dated 25.04.2018 passed by the learned Presiding Officer, Fast Track Court-I, Purnea in Sessions Trial No. 758 of 2000 by which and whereunder, he acquitted the respondent Nos. 2 to 14 of the charges framed against them for the offences punishable under Sections 147, 448, 504 and 436/149 of the Indian Penal Code.

Learned counsel appearing for the appellant submits that in course of trial all most all the witnesses, specifically, stated that the respondent Nos. 2 to 14 committed loot in the house of appellant and, in that course, the house of the appellant was set on fire by them, but the learned trial Court discarded the aforesaid evidence of prosecution witnesses on the ground that prosecution witnesses could not say which portion of house was burnt.

From perusal of the impugned Judgment, we find that the learned trial Court has well discussed the evidences available on the record and having discussed the evidences available on the record doubted about the genuineness of



prosecution story and, accordingly, acquitted the respondent Nos. 2 to 14. Therefore, we do not find any ground to interfere into the impugned Judgment of acquittal. Accordingly, this Criminal Appeal as well as I.A. No. 1931 of 2018 stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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