

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.652 of 2018

Arising Out of PS.Case No. -136 Year- 2000 Thana -JAGDISHPUR District- BHAGALPUR

=====

Ambika Nand Yadav @ Ambika Prasad Yadav

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr. Shashi Bala Verma

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)

4 06-09-2018

Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for the State on the point of admission.

I.A. No. 2373 of 2018 has been filed under section 378(3) of the Code of Criminal Procedure for grant of bail.

The appellant is informant of Jagdishpur P. S. Case No. 136 of 2000 and is aggrieved by the impugned Judgment dated 26.03.2018 passed by 2nd Additional Sessions Judge, Bhagalpur in S. T. No. 701 of 2002 by which and whereunder, he acquitted the private respondent nos. 2 to 15 from the charges framed against them for the offences punishable under section 302



read with sections 149, 148, 147, 201 of the Indian Penal Code and 27 of the Arms Act whereas convicted the co-accused Krityanand Yadav, Rajendra Yadav, Girish Yadav, Arvind Yadav and Mintan Yadav for the offences punishable under sections 147, 148 and 302 read with sections 149, 201 of the Indian Penal Code and, furthermore, co-accused Krityanand Yadav and Rajendra Yadav were convicted for the offence punishable under section 27 of the Arms Act.

Learned counsel appearing for the appellant submits that in course of trial, almost all the witnesses stated about the participation of private respondent nos. 2 to 15 in the alleged crime and the aforesaid fact goes to show that respondent nos. 2 to 15 had common object to commit the murder of deceased but learned trial court missed the aforesaid fact while writing the Judgment of acquittal.

Learned Additional Public Prosecutor appearing for the State supported the impugned judgment arguing that the learned trial court has passed a well discussed and well thought Judgment and, therefore, there is no need to interfere into the impugned Judgment.

Having heard the contention of both the parties, we went through the impugned judgment. We find that while



deceased was returning to his home, the FIR named accused committed his murder. It is pertinent to note here that most of the private respondent nos. 2 to 5 are not named in the fardbeyan and in course of trial, their name surfaced in this case. Moreover, we do agree with the submission of learned Additional Public Prosecutor that the learned trial court has passed a well discussed and well thought Judgment because the learned trial court having perused the evidences available on the record, came to the conclusion that the respondent nos. 2 to 15 had not participated in the alleged crime and possibility of their false implication in the present case due to land dispute can not be ruled out.

On the basis of aforesaid discussions, we do not find any ground to interfere into the impugned Judgment and, accordingly, this Criminal Appeal as well as I.A. No. 2373 of 2018 stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

N.K/-

(Rajendra Kumar Mishra, J)

U			
---	--	--	--

