

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.825 of 2018

Arising Out of PS. Case No.-91 Year-2007 Thana- NAANPUR District- Sitamarhi

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{Against the Judgment of acquittal dated 05.05.2018 passed by the Fast Track Court-II, Sitamarhi, in Sessions Trial No.213 of 2008/36 of 2017}.

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Asha Choudhary, W/o Late Vishwanath Prasad alias Vishwanath Prasad Choudhary, R/o Village- Kauria Rampur, P.S.- Nanpur, District- Sitamarhi.

... .. Appellant.

Versus

1. The State of Bihar.
2. Mukul Verma, S/o Late Birendra Prasad Verma.
3. Bechan Baitha, S/o Jathu Baitha.
4. Seikh Juhi, S/o Liyakat Ali.
5. Uttam Thakur, S/o Kishori Thakur.

Opposite party Nos.2 to 5 are R/o Village- Raipur, Police Station- Nanpur and District- Sitamarhi.

... .. Respondents/Opposite Parties.

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Appearance :

For the Appellant	:	Mr. Girish Chandra Jha, Advocate.
For the Stte	:	Ms. Shashi Bala Verma, A.P.P.

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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 : 29-08-2018

Heard learned counsel for the appellant as well as the learned Additional Public Prosecutor for the State on the point of admission and I.A. No.2012 of 2018.

2. The appellant, who is the informant of Nanpur P.S. Case No.91 of 2007, has preferred this appeal against the Judgment of acquittal dated 05.05.2018 passed by the Fast Track Court-II, Sitamarhi, in Sessions Trial No.213 of 2008/36 of 2017, by which and whereunder the learned



trial court acquitted the respondent nos.2 to 5 of the charges framed against them for the offences punishable under Sections 302/34 and 120B/34 of the Indian Penal Code.

3. Learned counsel appearing for the appellant submits that the prosecution succeeded to prove the motive as well as factum of conspiracy but, even then, the learned trial court acquitted the respondent nos.2 to 5 of the charges.

4. However, we went through the impugned Judgment and find that not a single prosecution witness claimed to have seen the respondent nos.2 to 5 committing the alleged crime. The prosecution claimed that due to previous enmity, the respondent nos.2 to 5 got conspired with each other and having hired the professional killers got eliminated the deceased but it is obvious from perusal of the impugned Judgment that the prosecution could not succeed to prove the aforesaid theory beyond the shadow of all reasonable doubts and, therefore, we do not find any ground to interfere into the impugned Judgment of acquittal.

5. Accordingly, this appeal as well as I.A. No.2012 of 2018 stand 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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