

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1012 of 2017

Arising Out of PS.Case No. -53 Year- 2001 Thana -BARUN District- AURANGABAD

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Balrup Singh

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prakash Kumar

For the Respondent/s : Mr. Krishna Prasad Singh
Mr. Mithilesh Kumar Singh

For the State Mr. S.B.Verma 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)**

8 24-08-2018

Heard the parties.

In our view, this appeal can be disposed of on admission stage itself.

The appellant lodged Barun P.S.Case No. 53 of 2001 for the offences punishable under section 302, 201/34 of the Indian Penal Code suspecting the involvement of respondent no. 2 to 6 in killing of his son.

The police after investigation, submitted charge sheet against the respondent nos. 2 to 6 and after cognizance and commitment, the respondent no. 2 to 6 were put on trial and stood charged for the offence punishable under section 302/201 read with section 34 of the Indian Penal Code. The prosecution examined its witnesses in course of trial and after analyzing the



evidences available on the record, the learned trial court acquitted the respondent nos. 2 to 6 of the charges framed against them on the ground that prosecution could not succeed to prove its case beyond all shadow of reasonable doubt.

The perusal of impugned judgment goes to show that none had seen the actual killing of the deceased and the entire prosecution case hinges upon circumstantial evidence. The learned trial court after discussing the evidence of prosecution came to the conclusion that prosecution could not succeed to establish complete chain of circumstances and, accordingly, judgment of acquittal was passed by the learned trial court. We do not find any illegality, irregularity or infirmity in the finding given by the learned trial court and, therefore, in our view, this appeal is devoid of merit.

Accordingly, this Cr. Appeal as well as I.A.No. 1802 of 2012 which has been filed under section 378(3) of the Code of Criminal Procedure stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

N.K/-

(Rajendra Kumar Mishra, J)

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