

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.205 of 2018

Arising Out of PS.Case No. -292 Year- 2010 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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1. Neelmani @ Rinku Son of Mahanand Singh, Resident of Village-Khilwat, Police Station-Bidupur, District-Vaishali

.... Appellant/s

Versus

1. The State of Bihar
 2. Manoj Kumar @ Manoj Chudhary, Son of Late Ram Babu Choudhary, Resident of Village-Daudnagar, Police Station-Bidupur, District-Vaishali.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Thakur
 Mr. Nilesh Kumar
 Mr. Inteyaz Ahmad

For the Respondent/s : Mr. Abhimanyu Sharma

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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)

4 04-04-2018

1. Heard learned counsel for the appellant as well as learned Addl. Public Prosecutor for the State.

2. Appellant is aggrieved by the judgment of acquittal dated 05.12.2017 passed by the learned Addl. Sessions Judge VIII, Vaishali at Hajipur in Sessions trial no. 319/2012 by which and whereunder he acquitted respondent no.2 of the charge framed against him under section 302/34 of the Indian Penal Code and 27 of the Arms Act.

3. Bidupur P.S. case no. 292/2010 for the offence



punishable under section 302/34 of the Indian Penal Code and 27 of the Arms Act was registered against respondent no.2 and others. The aforesaid police case was registered on the basis of fardbeyan of the appellant. In course of investigation, witnesses were examined and after completion of investigation, charge sheet was submitted resulting cognizance, commitment of the case and trial of respondent no.2.

4. The learned trial court discussed the evidence available on record and doubted the presence of the appellant on the place of occurrence when the occurrence had taken place and apart from this the learned trial court also noted down in the impugned judgment contradictions in the statements of the prosecution witnesses.

5. Although learned counsel appearing for the appellant tried to convince us that learned trial court did not scrutinize the evidence in right perspective but we respectfully differ with his submissions and we are of the opinion that the impugned judgment of acquittal does not require any interference by this court and furthermore, we are of the opinion that learned court has passed a well discussed judgment.

6. Accordingly, this appeal along with I.A. no. 640/2018 which has been filed on behalf of the appellant under



section 378(3) of the Cr.P.C stand dismissed on admission stage
itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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