

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.362 of 2016

Arising Out of PS. Case No.-11 Year-1985 Thana- JALE District- Darbhanga

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Darp Narayn Singh @ Bachhi Singh Son of Late Nageshwar Singh Resident of
village & P.O.- Jogiara, P.S.- Jalley, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Singh, Son of Nunu Singh
3. Nawal Kishore Singh, Son of Late Jageshwar Singh
4. Lal Singh, Son of Lal Narayan Singh All are resident of village- Jogiara,
P.S.- Jalley, District- Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nagendra Kumar Singh
For the Respondent/s	:	Mr. VEENA RANI PRASAD (APP)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-03-2018 The petitioner/informant has challenged the judgment and order of acquittal dated 25.03.2015 passed by the learned 1st Additional Sessions Judge, Darbhanga in Sessions Trial No. 150 of 1986, arising out of Jaley P.S. Case No. 11 of 1985 whereby the opposite parties no. 2, 3 and 4 have been acquitted of all charges.

The records reveal that on the statement of the informant/petitioner, a case vide Jaley P.S. Case No. 11 of 1985 was instituted for offences under



Sections 147, 148, 149, 342, 324 and 436 of the Indian Penal Code. Twelve prosecution witnesses were examined in support of the prosecution case. The learned trial court, on perusal and scrutiny of the evidence, found that the informant/petitioner who was examined as P.W. 9 has stated before the trial court that about 200-250 persons were seen by him going from southern to northern direction and he also heard sounds of bomb explosion and firing of gun. About 10-15 minutes later, the petitioner/informant saw the mob returning. Thereafter the mob is alleged to have set fire to the house of Ramji Singh. When the informant/petitioner and others went to extinguish the fire, Suresh Singh (O.P. No. 2) is said to have assaulted him by means of Farsa which injured him. The evidence put forth by the informant/petitioner was not found to inspire confidence in as much as the other witnesses only



claimed to be hearsay witnesses. That apart, the other witnesses, went to the place of occurrence on seeing the flames but have claimed to have seen the other accused person setting fire to the hut.

On a holistic consideration of the materials available against opposite parties no. 2 to 4, the trial court was of the view that the present case was lodged only for creating a defence with respect to the death of one Hira Singh for which a case was lodged by his son/Suresh Singh (O.P. No. 2). The articles which were shown by the informant to have been burnt in the occurrence were allegedly kept in the portion of the house which was used as a Baithka or a place where cattle was kept. This was not found to be acceptable to the trial court. The I.O. of the case, curiously, did not find any sign of burning.

Considering the aforesaid facts the trial court acquitted the opposite parties no. 2 to 4 of all the



charges.

This Court finds no reason to interfere with the
aforesaid judgment and order of acquittal.

The petition is dismissed.

(Ashutosh Kumar, J)

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