

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.340 of 2018

Arising Out of PS.Case No. -76 Year- 1996 Thana -AMNAUR District- SARAN

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Nand Kishore Singh

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh

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)

6 16-08-2018

Heard learned counsel for the appellant and learned counsel appearing for respondent nos. 2 to 6 as well as learned Additional Public Prosecutor for the State on the point of admission and on I.A. No. 975 of 2018.

The appellant has challenged the impugned judgment of acquittal dated 17.01.2018 passed by learned IXth Additional Sessions Judge, Saran at Chapra in S. T. No. 276 of 2014 by which and whereunder the leaved court below acquitted the respondent nos. 2 to 6 of the charges framed against them for the offences punishable under Section 304B/34, 302/34 and 201/34 of the Indian Penal Code.

The appellant lodged complaint case against



respondent nos. 2 to 6. The aforesaid complaint case was converted into Amnaur P. S. Case No. 76 of 1996 and subsequently, charge-sheet for the offences punishable under Section 304B, 201/34 of the Indian Penal Code was submitted against respondent nos. 2 to 6. The respondent nos. 2 to 6 were put on trial and they stood charged for the offences punishable under section 304B, 302/34 and 201/34 of the Indian Penal Code.

In course of trial, prosecution examined, altogether, four witnesses. The respondent nos. 2 to 6 also got examined two defence witnesses as well as got exhibited some documents. The learned trial court acquitted the respondent nos. 2 to 6 on the ground that prosecution failed to prove all the ingredients of section 304B of the Indian Penal Code and also failed to prove its case beyond all shadow of reasonable doubt.

Learned counsel appearing for the appellant submits that the appellant and two other witnesses supported the prosecution case and, specifically, stated that the marriage of the deceased, Babita Kumari, was solemnized on 14.06.1995 but she was killed by the respondent nos. 2 to 6 on 15.03.1996 i.e. within one year of her marriage. Learned counsel further submitted that the above stated witnesses also stated that the deceased was subjected to cruelty and torture on account of non-fulfillment of



dowry demand but even then learned trial court acquitted the respondent nos. 2 to 6 of the charges framed under section 304B of the Indian Penal Code.

Learned counsel appearing for the respondent nos. 2 to 6 supported the impugned judgment arguing that in course of trial, defence witnesses stated that the deceased died due to abdominal pain and after death of the deceased, her ornaments as well as other valuables were handed over to her grandfather but subsequently, the appellant in collusion with one Ramanand Singh got lodged this case. He further submitted that the aforesaid Ramanand Singh had inimical terms with respondent nos. 2 to 6 and the learned trial court having taken note of the aforesaid fact, acquitted the respondent nos. 2 to 6.

Having heard the contentions of both the parties, we went through the record. The learned trial court had dealt with the evidence of prosecution witnesses and came to the conclusion that the prosecution could not succeed to prove all the ingredients of section 304B of the Indian Penal Code and there was nothing in the deposition of prosecution witnesses to show that the deceased was subjected to harassment and cruelty soon before her death and moreover, the statements of the defence witnesses and the documents adduced on behalf of the respondents create doubt



about the genuineness of the prosecution story. We find that the learned trial court has well discussed and, therefore, we do not find any ground to interfere into the impugned judgment of acquittal and, accordingly, this criminal appeal as well as I. A. No. 975 of 2018 stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

N.K/-

(Rajendra Kumar Mishra, J)

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