IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.83 of 2018

Arising Out of PS. Case No.-94 Year-2000 Thana- SANHOLA District- Bhagalpur

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Chandra Shekhar Singh @ Chanma Mahto @ Chandra Sekhar Mahto @ Chanma, S/o Katku Mahto, resident of Village- Laxmipur, P.S. Sanhoulla, District- Bhagalpur.

... ... Appellant

Versus

1. The State of Bihar.
2. Ranjit Mahto, S/o Late Ram Prasad Mahto
3. Keshav Mahto @ Kansh Mahto, S/o Ramkishun Mahto
4. Ram Kishun Mahto S/o Late Jhaksu Mahto All are resident of Village- Laxmipur, P.S. Sanhoulla, District Bhagalpur.

... ... Respondents

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Appearance :
For the Appellant/s : Mr. Davendra Kumar Pandey, Advocate
For the Respondent/s : Mr. Satya Narayan Prasad, 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)

7 29-10-2018 Heard learned counsel for the appellant on the point of admission and on I.A. No. 1297 of 2018, which has been filed on behalf of appellant, who seeks leave to file this criminal appeal. The appellant is informant as well as son of the deceased and, therefore, comes under the ambit of victim, accordingly, he is permitted to pursue this criminal appeal.

This criminal appeal has been preferred against the Judgment dated 16.11.2017 passed by learned 2nd Additional Sessions Judge-cum-Special Judge, S.C/S.T., Bhagalpur in Sessions Trial No. 1460 of 2004, arising out of Sanhoulla P.S.

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Case No. 94 of 2000 by which and whereunder, he acquitted the respondent Nos. 2 to 4 of the charges framed under Sections 307 and 302/34 of the Indian Penal Code, whereas by the same Judgment convicted co-accused Leader Mahto for the offence punishable under Section 302 of the Indian Penal Code and sentenced him to undergo life imprisonment for the aforesaid offence.

The submission on behalf of the appellant is that the learned trial Court committed error while acquitting the respondents No. 2 to 4, as on the same evidence, the learned trial Court convicted co-accused Leader Mahto.

On the other hand, learned counsel appearing for respondent Nos. 2 to 4 submits that the learned trial Court has passed well reasoned Judgment and there is no need to interfere into the impugned Judgment.

Having heard the contentions of both parties, we went through the impugned Judgment and we find that the learned trial Court has well distinguished the case of respondents No. 2 to 4 from the case of convict, namely, Leader Mahto and, therefore, we do not find any ground to interfere into the findings given by the learned trial Court in respect of respondents No. 2 to 4. Accordingly, this criminal appeal stands

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dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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