

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.136 of 2018

Arising Out of PS. Case No.-266 Year-2002 Thana- LAKHISARAI District- Lakhisarai

Pankaj Kumar @ Pappu Yadav, Son of Srikant Yadav, R/o Nawabganj,
Alnagar, P.S. + District- Lakhisarai.

... .. Appellant

Versus

1. The State of Bihar.
2. Binod Kumar Yadav, S/o Nageshwar Yadav,
3. Niranjan Kumar Yadav, S/o Awadh Narayan Yadav, Both R/o Village-
Nawabganj, P.S.- Suryagarha, District- Lakhisarai.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Prabhat Kumar
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

8 05-09-2018 Heard learned counsel appearing for appellant as well
as learned Addl. Public Prosecutor for the State on the point of
admission as well as on I.A. No. 1292 of 2018.

Perused the record. This appeal has been preferred by
the informant of Lakhisarai P.S. Case No. 266 of 2002 against
the Judgment of acquittal dated 06.11.2017 passed by learned
Fast Track Court-II, Lakhisarai in Sessions Trial No. 263 of
2006 / 185 of 2017 by which and whereunder, learned Fast
Track Court No.2 acquitted the private respondents No. 2 and 3



from the charges framed against them for the offences punishable under Sections 302/34 and 201/34 of the I.P.C.

Learned counsel appearing for appellant submits that there was strong circumstantial evidence against the private respondent Nos. 2 and 3 to show that it were private respondent Nos. 2 and 3, who committed murder of deceased, but even then, the learned court below passed the Judgment of acquittal, which is not in accordance with law.

Having heard the aforesaid submission, we went through the impugned Judgment. We find that not a single prosecution witness claimed to have seen the actual killing of the deceased and the entire prosecution case hinges upon the circumstantial evidence. The learned Court below discussed all the evidences available on the record and came to conclusion that the prosecution could not succeed to prove its case beyond all shadow of reasonable doubts. Furthermore, we find that the prosecution could not succeed to bring the Postmortem report of the deceased on record and, therefore, the prosecution failed to prove the cause of death of the deceased. Therefore, in the aforesaid circumstances, we do not find any ground to interfere into the impugned Judgment of acquittal and, in our view, this appeal is liable to be dismissed on admission stage itself.



Accordingly, this criminal appeal along with I.A. No. 1292 of
2018 stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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