

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Govt. Appeal (DB) No.12 of 2018**

Arising Out of PS. Case No.-150 Year-2015 Thana- MAJHAHGARH District- Gopalganj

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{Against the Judgment of acquittal dated 03.07.2017 passed by the Additional Sessions Judge-VIII, Gopalganj, in Sessions Trial No.119 of 2016/CIS No.119 of 2016}.

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The State of Bihar through District Magistrate, Gopalganj.

... .. Appellant.

Versus

1. Azizur Rahman @ Gaman, son of Late Basiruddin.

2. Amirul Haque, son of Late Basiruddin.

Both resident of village-Pathra, P.S. Manjhagarh, District- Gopalganj.

... .. Respondents.

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**Appearance :**

For the State/Appellant : Mr. Shiwesh Chandra Mishra, A.P.P.

For the Respondents : Mr. Prashant Kumar, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**

**and**

**HONOURABLE MR. JUSTICE RAJENDRA KUMAR**

**MISHRA**

**ORAL JUDGMENT**

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

**Date : 31-07-2018**

The State has challenged the impugned Judgment of acquittal dated 03.07.2017 passed by the Additional Sessions Judge-VIII, Gopalganj, in Sessions Trial No.119 of 2016/CIS No.119 of 2016, by which and whereunder the respondents no.1 and 2 were acquitted of the charges framed against them for the offences punishable under Sections 302 and 120B of the Indian Penal Code.

2. At the very outset, it is pointed out that Manjhagarh P.S. Case No.150 of 2015 was registered on the basis of the



fardbeyan of the informant Shamshul Haque and, subsequently, the respondents no.1 and 2 were put on trial in Sessions Trial No.119 of 2016. It is further pointed out that the informant Shamshul Haque preferred Criminal Appeal (DB) No.1148 of 2017 against the impugned Judgment of acquittal dated 03.07.2017 and this Court having heard the parties, dismissed the aforesaid Criminal Appeal (DB) No.1148 of 2017 vide Judgment dated 23.01.2018.

**3.** Learned Additional Public Prosecutor appearing for the appellant fairly concedes the aforesaid facts.

**4.** In view of the aforesaid facts and circumstances as well as submissions, we have no option except to dismiss this Government Appeal on admission stage itself and, accordingly, this Government Appeal stands dismissed on admission stage itself.

**(Hemant Kumar Srivastava, J)**

**( Rajendra Kumar Mishra, J)**

**Pradeep Srivastava/-**

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| AFR/NAFR          | NAFR        |
| CAV DATE          | NA          |
| Uploading Date    | 01.08.2018. |
| Transmission Date | 01.08.2018. |

