

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.1225 of 2017

Arising Out of PS.Case No. -43 Year- 2015 Thana -SALIMPUR District- PATNA

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{Against the Judgment of acquittal dated 21.07.2017 passed by the learned Additional Sessions Judge-I, Barh (Patna) in Sessions Trial No.693 of 2015}.

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1. Gayani Chaudhary, age- 52 years, Son of Late Nagina Chaudhary.
2. Vikas Kumar @ Vijay Chaudhary, S/o Gayani Chaudhary (Informant).
Both R/o Village- Bihta, P.S. Salimpur, District- Patna.

.... Informants/Appellants.

Versus

1. The State of Bihar.
 2. Ganesh Chaudhary, S/o Late Kailash Chaudhary.
 3. Kaushlaya Devi, W/o Ganesh Chaudhary.
 4. Munna Chaudhary, S/o Gariban Chaudhary.
- All are resident of Bihta, P.S.- Salimpur, District- Patna.

.... Accused/Respondents.

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Appearance :

For the Appellants	:	Mr. Kameshwar Singh, Advocate.
For the State	:	Mr. Shivesh Chandra Mishra, A.P.P.
For the Respondent Nos.2 to 4	:	M/s. Ramakant Sharma, Senior Advocate, L.K. Sharma and Prem Shankar Kumar, Advocates.

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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: 07-03-2018

Heard learned counsel for the appellants as well as learned counsel appearing for the respondent nos.2 to 4. Also heard learned Additional Public Prosecutor for the State.

2. The appellants have preferred this criminal appeal against the Judgment of acquittal dated 21.07.2017 passed by the



learned Additional Sessions Judge-I, Barh (Patna), in Sessions Trial No.693 of 2015, by which and whereunder he acquitted the respondent nos.2 to 4 of the charges framed against them.

3. Learned counsel appearing for the appellants submits that the eye witnesses supported the prosecution story and specifically stated that the respondent nos.2 and 4 assaulted the deceased, whereas respondent no.3 assaulted the informant and others. He further submitted that the doctor proved the post-mortem report of the deceased and the post-mortem report corroborates the allegation levelled against the respondent nos.2 to 4 but, even then, the learned trial court acquitted the respondent nos.2 to 4 on flimsy grounds, which are not known to the settled principles of law.

4. On the other hand, learned counsel appearing for the respondent nos.2 to 4 refutes the above stated submissions, arguing that the learned trial court has passed a well discussed Judgment and, as a matter of fact, the prosecution failed to prove not only the manner of occurrence but also the place of the occurrence. He further submitted that the prosecution did not come with correct and real story and that is the reason when the informant was examined in course of trial, he stated that there was free brick-batting between the parties.

5. Having heard the above stated contentions of the



parties, we went through the impugned Judgment and Lower Court Records. We find force in the above stated contentions of the learned counsel for the respondent nos.2 to 4. Furthermore, we find that the learned trial court has discussed each and every evidence and passed the Judgment of acquittal in accordance with law. Therefore, in our view, there is no scope to interfere into the impugned Judgment of acquittal.

6. Accordingly, this criminal appeal stands dismissed at the admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.03.2018.
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