

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.1367 of 2017

Arising Out of PS.Case No. -64 Year- 2015 Thana -SURSAND District- SITAMARHI

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1. Md. Hasim Son of Late Sahbul Rain resident of Village - Dhanadhi, Police Station - Sursand, District - Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar.
2. Md. Wahid Rain son of Abdul Rahman
3. Md. Hakkani son of Md. Wahid Rain
4. Md. Saukat Sah son of Ishlam Sah Sl. No. 2 to 4 are resident of Village - Dhanadhi, Police Station - Sursand, District - Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Uday Kumar

For the Respondent/s : Mr. Dilip Kumar Sinha

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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: 25-01-2018

1. Heard learned counsel for the appellant as well as learned Addl. Public Prosecutor for the State on the point of admission as well as on I.A. no. 2632/2017.

2. We are of the view that this appeal can be disposed of at the admission stage itself.

3. The present appeal has been filed against the judgment of acquittal dated 13.9.2017 passed by the Fast Track Court No. II, Sitamarhi in Sessions trial no. 100 of 2016/257 of 2017 by which and whereunder he acquitted respondent nos.2 to



4 on the ground that the prosecution failed to prove its case beyond all shadow of reasonable doubts.

4. From perusal of the impugned judgment, we find that the case of appellant was based on circumstantial evidence as none had seen the actual killing of the deceased. The prosecution brought in evidence only the story of last seen as well as previous enmity coupled with recovery of two knives near the dead body but the learned trial court observed that the aforesaid circumstances were not sufficient to prove the guilt of respondent nos.2 to 4. We are of the view that there is no scope to interfere into the finding of the trial court because trial court was satisfied while passing the impugned judgment that chain of circumstances could not be completed to prove guilt of respondent no.2 to 4. Hence, this appeal along with I.A. no. 2632/2017 stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Shahid/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

