

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.43 of 2018

Arising Out of PS. Case No.-843 Year-2010 Thana- SARAN COMPLAINT CASE District-
Saran
.....

{Against the Judgment dated 17.11.2017 passed in Sessions Trial No.460 of 2011/C.I.S. 273 of 2014 by the court of the learned 11th Additional Sessions Judge, Saran at Chapra}.

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Anil Prasad Yadav, Son of Babulal Rai, Resident of village- Baluwahia, Yadav Tola, P.S.- Dariyapur, District- Saran

... .. Appellant.

Versus

1. The State of Bihar.
2. Awadhesh Singh, Son of Ram Swaroop Singh.
3. Ramadhar Singh, Son of Ram Swaroop Singh.
4. Rama Singh, Son of Mishri Lal Singh.

All are Resident of village- Simrahiya, P.S.- Dariyapur, District- Saran.

... .. Respondents.

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Appearance :

For the Appellant	:	Mr. Damodar Prasad Tiwary, Advocate. Mr. Prem Ranjan Kumar, Advocate.
For the State	:	Mr. Satya Narayan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA)

Date : 19-11-2018

Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor appearing for the State on the stage of admission.

2. This criminal appeal has been preferred against the impugned Judgment dated 17.11.2017 passed in Sessions Trial No.460 of 2011/C.I.S. 273 of 2014, whereunder the learned 11th



Additional Sessions Judge, Saran at Chapra, acquitted the respondent nos.2 to 4 of the charges framed against them for the offences under Sections 302/34 of the Indian Penal Code.

3. Learned counsel appearing for the appellant submits that, initially, on the basis of the written report of the appellant, Dariyapur P.S. Case No.45 of 2009 was instituted against the respondent nos.2 to 4 for the offences under Sections 302/34 of the Indian Penal Code for committing the murder of the deceased Dharmanath Rai but on investigation, the police submitted the final form in the above stated Dariyapur P.S. Case No.45 of 2009. Thereafter, on protest, filed by the appellant, who was the informant in the above stated Dariyapur P.S. Case No.45 of 2009, the case was proceeded. While the witnesses, examined in course of the trial, supported the prosecution case but the learned 11th Additional Sessions Judge, Saran at Chapra, illegally disbelieved the evidence, led by the prosecution, and acquitted the respondent nos.2 to 4 of the charges under Sections 302/34 of the Indian Penal Code.

4. On going through the impugned Judgment, it appears that the learned trial court on considering the delay in lodging the F.I.R., sending the same to the concerned Judicial Magistrate and also improvement about the source of



identification, in course of trial in the evidence of the prosecution witnesses, acquitted the respondent nos.2 to 4 of the charges under Sections 302/34 of the Indian Penal Code.

5. We find no reason to interfere into the impugned Judgment.

6. Accordingly, this criminal appeal as well as I.A. No.1013 of 2018 stands dismissed on the admission stage itself.

(Rajendra Kumar Mishra, J)

(Madhuresh Prasad, J)

**Pradeep
Srivastava/-**

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2018.
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