

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.586 of 2018

Arising Out of P.S.Case No. -62 Year- 2013 Thana -NAUGACHIA District- BHAGALPUR

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Sabana Bano wife of late Md.Intsar Alam @ Intesar Alam resident of
Village- Ujani, Police Station- Naugachhia, District- Bhagalpur.

.... Appellant

Versus

1. The State of Bihar
2. Md. Arif Alam Son of Md. Moisuddin
3. Md. Salauddin Son of Late Makru
4. Md. Manobar Son of Md. Insul
5. Md.Israfil Son of Sk. Usuf
6. Md.Saddam Son of Md. Nasimuddin
7. Md.Riyaj Akhtar Son of Abdul Rayuf
8. Md.Ehsan Son of Md. Ansar

All are residents of Village-Ujani, Police Station Naugachia,
District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Viveka Nand Singh, Advocate

For the Respondent/s : Mr. Mayanand Jha

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

and

**HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

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

3 20-06-2018 Heard learned counsel for the appellant as well as

learned Additional Public Prosecutor for State on the point of

admission.

The appellant's husband was killed and she lodged

Naugachia P.S. Case no.62 of 2013 against nine accused persons.

The respondents no. 2 to 8 were charge sheeted by the police after

completion of the investigation whereas one F.I.R. named accused



was not sent up for trial. The respondents no.2 to 8 stood charged for the offence punishable under Sections 302, 120(B)/34 of I.P.C. and Section 27 of the Arms Act. In course of trial altogether seven prosecution witnesses were examined, but only PW-1 claimed to have seen the respondents no.2 to 8 committing the murder of deceased. The P.W-1 claimed to have identified the respondents no.2 to 8 in the head light of the tractor but the learned Trial Court disbelieved and doubted the deposition of PW-1 on the ground of improbability. Furthermore, PW-2, who happens to be the brother of the deceased claimed that deceased had disclosed the name of the respondent no. 2 to 8 as well as one another person before him as his assailant but the learned trial court disbelieved the aforesaid statement of P.W.2 on the ground that PW-2 did not disclose the aforesaid fact to the informant before registering her fard-e- beyan. Accordingly, the learned court below acquitted the respondents no.2 to 8 passing impugned Judgment dated 07.04.2018 in Sessions Trial No.697 of 2013 against which this appeal has been preferred.

From perusal of impugned Judgment, we do not find any ground to interfere into the findings and observations of the court below because the finding and observation of the court



below is based upon sound reasoning which does not require any interference. Therefore, in the aforesaid circumstance, we do not find merit in this criminal appeal and, accordingly, this appeal stands dismissed at admission stage itself.

(Hemant Kumar Srivastava, J)

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(Rajendra Kumar Mishra, J)

