

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.599 of 2018

Arising Out of PS.Case No. -193 Year- 2014 Thana -BAHADURGANJ District- KISANGANJ

=====

Noor Alam @ Nur Haque

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar

For the Respondent/s : Mr. Ashwani Kumar Sinha

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)

5 09-08-2018 Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for State on the point of admission as well as I.A. No. 1930 of 2018 and I.A. No. 1974 of 2018.

In our view, this Cr. Appeal and the aforesaid interlocutory applications can be disposed of on admission stage itself.

The appellant has challenged the impugned judgment of acquittal dated 22.11.2017 passed by learned Additional Sessions Judge- II, Kishanganj, in Sessions Trial No. 61 of 2015, CIS No. 304 of 2016, G.R. No. 1356 of 2014, by which and



whereunder learned Additional Sessions Judge-II, Kishanganj acquitted the respondents nos. 2 and 3 of the charges framed against them for the offence punishable under Section 302/34 of the Indian Penal Code giving them benefit of doubt.

The appellant lodged Bahadurganj P. S. Case No. 193 of 2014 against the respondents no. 2 and 3 for the offence punishable under Section 302/34 of the Indian Penal Code when he found the dead body of his brother-in-law lying in the hut. The appellant raised suspicion against the respondent nos. 2 and 3 on the ground that two days prior to alleged occurrence, the calf of respondent nos. 2 and 3 grazed the field of deceased upon which the altercations had taken place between deceased and respondent nos. 2 and 3 and the respondent nos. 2 and 3 had given threatening to kill the deceased.

In course of trial, the witnesses repeated the aforesaid fact but not a single witness claimed to have seen the respondent nos. 2 and 3 committing the murder of the deceased. The impugned judgment goes to show that the entire prosecution case hinges upon circumstantial evidence and except suspicion as well as factum of above stated altercations and threatening, there is nothing against the respondent nos. 2 and 3 to show their involvement in commission of murder of the deceased. Therefore,



in our view, learned trial court has rightly given the benefit of doubt to respondent nos. 2 and 3 and there is no scope to interfere into the finding of the learned trial court.

On the basis of aforesaid discussions, this criminal appeal as well as above stated interlocutory applications stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

N.K/-

(Rajendra Kumar Mishra, J)

U			
---	--	--	--

