

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.330 of 2018

Arising Out of PS.Case No. -114 Year- 2012 Thana -ATHMALGOLA District- PATNA

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1. Rambali Ray @ Rajballabh Prasad Singh S/o Not Known, R/o Village-
Ganjpar, P.S.- Athamalgola, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. Sanjay Kumar S/o Sud... Ray, R/o Village- Ganjpar, P.S.- Athamalgola,
District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Kashyap
For the Respondent/s	:	Mr. Sri Dilip Kumar Sinha
		Mr. Krishna Prasad Singh
		Mithlesh Kumar Singh
For the State		Mr. D.K.Sinha

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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)

2 12-04-2018

1. Heard learned counsel for the appellant and learned counsel or the respondent as well as learned Additional Public Prosecutor for the State.

2. This Criminal Appeal has been preferred against the judgment of acquittal dated 08.01.2018 passed by 1st Additional Sessions Judge, Barh in Session trial no. 461 of 2013 by which



and whereunder he acquitted the respondent nos. 2 of the charge framed against him for the offence punishable under section 302/120B of the Indian Penal Code and 27 of the Arms Act.

3. Learned counsel appearing for the appellant challenged the impugned judgment of acquittal arguing that the learned court below has not properly appreciated the evidences available on the record and wrongly acquitted the respondent no. 2.

4. On the other hand, learned counsel appearing for the respondent no. 2 supported the impugned judgment of acquittal arguing that the learned trial court has passed a well thought judgment and, therefore, there is no need to interfere into the impugned judgment of acquittal.

5. Having heard the rival contentions of both the parties, we went through the impugned judgment.

6. We find that not a single prosecution witness claimed to have seen the actual killing of the deceased and the prosecution case is based on circumstantial evidence but the prosecution failed to prove the complete chain of circumstantial evidence and the learned trial court well discussed the evidences available on the



record. Therefore, we are of the opinion, that the impugned judgment of acquittal does not require any interference by this Court.

7. Accordingly, this Criminal Appeal as well as I.A.No. 961 of 2018 which has been filed under section 378(3) of the Cr.P.C stands dismissed on admission stage.

(Hemant Kumar Srivastava, J)

N.K/-

(Rajendra Kumar Mishra, J)

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