

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.395 of 2018

Arising Out of PS.Case No. -282 Year- 2014 Thana -GOPALPUR District- BHAGALPUR

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Bichhiya Devi @ Bichha Devi

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. S. N. Prasad

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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)

4 02-05-2018

1. No one appears on behalf of the appellant on repeated call. Learned Addl. Public Prosecutor is present.

2. This criminal appeal has been preferred against the judgment of acquittal dated 12.10.2017 passed by the Addl. Sessions Judge I, Naugachia (Bhagalpur) in Sessions trial no. 178/2016/ Trial no. 335/2016 by which and whereunder he acquitted respondent nos.2 to 6 of the charges framed against them under sections 304B, 498A, 201 and 494 of the Indian Penal Code.

3. We went through the impugned judgment. We find that the appellant filed complaint petition alleging therein that her daughter was married with respondent no.5 on 25.12.2004



but after marriage respondent nos.2 to 6 started demanding Rs one lakh cash and two bigha land in dowry and when their demand was not fulfilled, they started torturing daughter of the appellant and subsequently, on 3.8.2014 respondent nos.2 to 6 killed the daughter of the informant by sharp cutting weapon.

4. The above stated complaint petition was sent to the concerned police station for registration of the FIR and accordingly, Gopalpur P.S. Case no. 282/2014 under sections 341, 323, 498A, 304B and 201/34 of the IPC was registered and after investigation, police submitted charge sheet for the offences punishable under sections 498A, 304B, 201 and 494/34 of the IPC.

5. After cognizance and commitment, respondent nos.2 to 6 were put on trial and stood charged for the offences punishable under the above stated sections.

6. In course of trial, prosecution examined, altogether, eight witnesses but PW1, PW2, PW3, PW5 and PW8 turned hostile as they did not support the prosecution case. PW4 stated that he knew nothing about the occurrence except of this fact that Pushpa Devi was no more. PW6 has supported the prosecution case and stated that respondent nos.2 to 6 were demanding Rs one lakh in dowry and when the aforesaid



demand was not fulfilled, they killed the deceased. PW7 who happens to be appellant stated in her examination-in-chief that marriage of her daughter had taken place with respondent no.5 ten years ago and information regarding death of the deceased was given to her by respondent no.5.

7. On perusal of the evidences discussed in the impugned judgment, we find that the prosecution failed to prove the charges levelled against respondent nos.2 to 6 under section 304B IPC. Moreover, trial court has properly discussed all evidences and passed judgment of acquittal. We do not any ground to interfere into the impugned judgment of acquittal. Accordingly, this appeal along with I.A. no. 1075/2018 which has been filed under section 378(3) Cr.P.C stand dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

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