

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.240 of 2019

Arising Out of PS. Case No.-38 Year-2011 Thana- BAIKUNTHPUR District- Gopalganj

Dileep Ram (Male), aged about 31 years, Son of Late Chandrama Ram
Resident of Village - Kishun Pura, P.S.- Masrakh, District - Saran (Chapra)

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Mohan Ram (Male), aged about 38 years, Son of Late Doe Sharan Ram
Resident of Village - Kishun Pura, P.S.- Masrakh, District - Saran (Chapra)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Kishore Singh

For the Respondent/s : Mr. Abhimanyu Sharma

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

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

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

Date : 09-05-2019

Heard learned counsel appearing for the appellant
as well as learned Additional Public Prosecutor for State and
perused the impugned judgment.

2. In our view, this criminal appeal can be
disposed of on admission stage itself.

3. Respondent No. 2 faced trial in Sessions
Trial No. 258 of 2011 before learned Additional Sessions Judge-
VIIIth, Gopalganj, and stood charged for the offence punishable
under Section 302/34 of the Indian Penal Code. However, after
full-fledged trial, the learned trial court acquitted the respondent



no. 2 from the above stated charge passing the impugned judgment of acquittal dated 17.12.2018.

4. Learned counsel appearing for the appellant submits that almost all the prosecution witnesses claimed that deceased persons had gone to attend a Barat along with respondent no. 2 but deceased persons did not return to their home whereas respondent no. 2 returned to his home and when the inquiry was made about the whereabouts of deceased persons, respondent no. 2 did not give satisfactory answer. He further submitted that subsequently, the dead-bodies of deceased persons were recovered but the learned trial court did not take notice of the aforesaid fact and passed the judgment of acquittal.

5. On the other hand, learned Additional Public Prosecutor supported the impugned judgment of acquittal arguing that the doctor who did postmortem examination on dead-bodies, found the injuries on the deceased persons on their frontal side and no injuries were found on the back portion of the deceased persons. He, further, pointed out that the investigating officer found the motor cycle of deceased persons in damage condition and, therefore, the aforesaid fact clearly goes to show that deceased persons met an accident and died on the spot. He submitted that the learned trial court having taken



notice of the aforesaid fact passed the judgment of acquittal which does not need interference by this appellate Court.

6. Admittedly, the entire prosecution case hinges upon circumstantial evidence and except one circumstance that is deceased persons had gone to attend a Barat in the company of respondent no. 2, there appears nothing against the respondent no. 2. Moreover, the testimonies of doctor and investigating officer tell a different story which has been noticed by the learned trial court and, therefore, in the aforesaid circumstance, we do not find any ground to interfere into the impugned judgment of acquittal.

7. Accordingly, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

sudha/-

AFR/NAFR	NAFR
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