

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.219 of 2019

Arising Out of PS. Case No.-99 Year-2009 Thana- KUMAR KHAND District- Madhepura

Jagdish Prasad Yadav @ Jagdish Yadav, aged about 48 years, Gender-Male,
Son of Late Jagmat Yadav, Ward No. 1, Resident of Village -Laxmipur Chandi
Asthan, P.S.- Kumarkhand, Distt - Madhepura.

... .. Appellant

Versus

1. The State of Bihar
2. Abhinandan Yadav aged about 64 years, Gender-Male, Son of Late Mohi
Yadav Resident of Village - Rahta, P.S.- Kumarkhand, Distt - Madhepura.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh, Adv.
For the State : Mr. Dilip Kumar Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

Date : 26-03-2019

1. Heard learned counsel appearing for the appellant as
well as learned Additional Public Prosecutor for the State on I.A.
No. 02 of 2019 as well as on the point of admission.

2. I.A. No. 02 of 2019 has been filed under Section
378(3) of the Cr.P.C. praying therein for grant of leave to pursue
this criminal appeal.



3. The appellant-applicant happens to be father of deceased of the present case and, therefore, he comes under the purview of victim and has right to challenge the judgment of acquittal. Accordingly, I.A. No. 02 of 2019 stands allowed and the appellant-applicant is permitted to pursue this criminal appeal.

4. This criminal appeal has been preferred against the impugned judgment of acquittal dated 30.11.2018 passed by learned Additional Sessions Judge, F.T.C. No. II, Madhepura in Sessions Trial No. 62 of 2011 by which and whereunder he acquitted the respondent no. 2 from the charge framed against him for the offence punishable under Section 302/34 of the I.P.C.

5. The grievance of the appellant is that the learned trial court has not properly appreciated the prosecution evidence as a result whereof, the learned trial court has committed error in acquitting the respondent no. 2 but from perusal of impugned judgment, we find that learned trial court has given sound reasoning for acquittal of respondent no. 2 as the learned trial court has noticed that none had seen the actual killing of the deceased nor there was any circumstantial evidence to prove the guilt of respondent no. 2. Therefore, in the aforesaid circumstance, we do not find any ground to interfere into the impugned judgment of acquittal.



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

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

shahzad/-

AFR/NAFR	A.F.R
CAV DATE	N.A.
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