

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.316 of 2019

Arising Out of PS. Case No.-59 Year-2015 Thana- LAXMIPUR District- Jamui

Chandra Shekhar Singh @ Chandra Khekhhar Singh aged about 61 years,
Male, Son of late Ram Naresh Singh Resident of Village - Kohbarba, P.S.-
Laxmipur, Distt - Jamui.

... .. Appellant

Versus

1. The State of Bihar
2. Bibhuti Pandey, Male, Son of Pankaj Pandey Resident of Village - Karnpur,
P.S.- Laximpur, Distt - Jamui.
3. Bamban Mishra, Male, Son of Permanand Mishra Resident of Village -
Karnpur, P.S.- Laximpur, Distt - Jamui.
4. Ajay Yadav, Male, Son of Mushahru Yadav Resident of Village - Jinahara,
P.S.- Laximpur, Distt - Jamui.
5. Ajay Mishra @ Lal Babu, Male, Son of Late Chabila Mishra Resident of
Village - Karnpur, P.S.- Laximpur, Distt - Jamui.
6. Pankaj Pandey, Male, Son of Bhola Pandey Resident of Village - Karnpur,
P.S.- Laximpur, Distt - Jamui.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Prabhat Ranjan Singh. Adv.
For the Respondent/s : Mr. Ashwani Kumar Sinha. APP

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

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

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

3 06-05-2019 Heard learned counsel appearing for the appellant as

well as learned Additional Public Prosecutor for State on the

point of admission and, in our view, this appeal can be disposed

of on admission stage itself.

The appellant was informant of Lamxipur P. S. Case



No. 59 of 2015 as well as father of the deceased and he is aggrieved by the impugned judgment of acquittal dated 10.01.2019 passed by learned 1st Additional Sessions Judge, Jamui in Sessions Trial No. 191/2015/ Sessions Trial No. 225/2016 by which and whereunder, he acquitted the respondent nos. 2 to 6 from the charges framed against them under Sections 302, 120B, 427/34 of the Indian Penal Code and Section 27 of Arms Act.

The perusal of impugned judgment goes to show that in course of trial, prosecution examined, altogether, nine prosecution witnesses and the learned trial court discussed the evidence of above stated prosecution witnesses and came to conclusion that none had seen the actual killing of the deceased. It would also appear from perusal of the impugned judgment that according to fardbeyan of appellant-informant, PW-1 Manish was with deceased at the time of alleged occurrence and it was PW-1, who had seen the occurrence and brought the deceased to hospital but in course of trial, PW-1 stated that he could not identify the assailants.

It is submitted on behalf of the appellant that on 08.09.2016, a petition was filed on behalf of the prosecution before the trial court, highlighting this fact that PW-1 went into



the camp of accused persons but the learned trial court recorded the statement of PW-1 ignoring the petition dated 08.09.2016. Even if, the above stated contention of learned counsel of the appellant is taken into consideration and the statement of PW-1 is excluded from consideration, then also, it would appear from the impugned judgment that none had seen the actual killing of the deceased and apart from this, there was no sufficient circumstantial evidence to connect respondent nos. 2 to 6 in the alleged crime. We find that the learned trial court has passed well discussed judgment and there is no need to interfere into the impugned judgment.

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

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

Rajeev Kumar/-

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