

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.353 of 2019**

Arising Out of PS. Case No.-66 Year-2015 Thana- JAMOBABAZAR District- Siwan

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Rajeshwar Prasad, Male, aged about 63 years, S/o Late Ram Belas Prasad R/o village- Kusahar, P.S.- Mahmadpur, District- Gopalganj

... .. Appellant

Versus

1. The State of Bihar
2. Krishna Singh @ Krishna Prasad Singh aged about 30 years, Male, S/o Late Jaygovind Singh @ Bhagat R/o village- Baldiha Koeri Tola, P.S.- Jambhaz, District- Siwan

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Raghav Prasad, Adv.
For the Respondent/s : Mr. S. N. Pd., APP

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

and

**HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

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

- 3 14-05-2019 Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for State on the point of admission and perused the record.

We are of the view that this appeal can be disposed of on admission stage itself.

The respondent no. 2 was charged for the offences punishable under Sections 302/34, 201/34 and 304/34 of the Indian Penal Code and after full-fledged trial, the learned trial court acquitted him from the charges passing impugned



judgment of acquittal on 30.01.2019 in Sessions Trial No. 53 of 2016.

Learned counsel appearing for the appellant assails the impugned judgment of acquittal, arguing that the trial court has not properly appreciated the prosecution evidence. He submits that admittedly, the respondent no. 2 is husband of daughter of the appellant. Furthermore, it is the case of prosecution that the appellant having got information regarding the killing of his daughter, visited the house of the respondent no. 2 and noticed Bed, Bed-sheet and other articles burnt in the room of his daughter and the in-laws of his daughter as well as respondent no. 2 were found absconding.

Learned counsel for the appellant further submits that the learned trial court failed to take note of the aforesaid material fact and also failed to take note of this fact that the daughter of the appellant is still trace-less and, therefore, the aforesaid fact clearly suggests that the daughter of appellant was killed and her dead body was disposed of by the respondent no. 2.

On the other hand, learned Additional Public Prosecutor supports the impugned judgment of acquittal arguing that there was nothing before the trial court to come to



conclusion that it was respondent no. 2, who committed the alleged occurrence and, moreover, except burnt Bed, Bed-sheet etc., nothing was found in the room of victim and, therefore, the learned trial court rightly acquitted the respondent no. 2.

Having heard the above stated contentions of both the parties, we went through the impugned judgment. We find that the prosecution case hinges upon circumstantial evidence as not a single prosecution witness claimed to have seen the actual killing as well as disposing of dead body of the victim. The prosecution has brought only there circumstances that when the appellant visited in-laws house of his daughter, he found burnt Bed, Bed-sheet etc. in the room of her daughter and the in-laws including husband of his daughter were found absconding.

In our view, the aforesaid circumstances were not sufficient to prove the guilt of respondent no. 2 and the learned trial court by discussing the evidences of the prosecution came to conclusion that the prosecution could not succeed to prove its case beyond all shadow of reasonable doubts and, accordingly, the learned trial court gave benefit of doubt to respondent no. 2.

In our opinion, there is no perversity or illegality in the impugned judgment and, therefore, there is no need to interfere into the findings of learned trial court.



In view of the aforesaid discussions, this criminal
appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

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