

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.358 of 2019

Arising Out of PS. Case No.-36 Year-2007 Thana- LAKHISARAI District- Lakhisarai

Mostt. Meera Devi, aged about 49 years, Female, Wife of Late Umesh Yadav
Resident of Village - Pachena, P.S.- Lakhisarai, District - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Biran Yadav aged about 53 years, Male, Son of Ramjee Yadav, Resident of Village - Pachena, P.S.- Lakhisarai, District - Lakhisarai.
3. Kamo Yadav @ Kamu Yadav, aged about 68 years, Male, Son of Ramjee Yadav, Resident of Village - Pachena, P.S.- Lakhisarai, District - Lakhisarai.
4. Vikas Kumar @ Vikash Yadav, aged about 37 years, Male, Son of Sachidanand Yadav, Resident of Village - Pachena, P.S.- Lakhisarai, District - Lakhisarai.
5. Sachin Yadav, aged about 41 years, Male, Son of Chandradeo Yadav Resident of Village - Pachena, P.S.- Lakhisarai, District - Lakhisarai.
6. Parveen Yadav, aged about 45 years, Male, Son of Chandradeo Yadav Resident of Village - Pachena, P.S.- Lakhisarai, District - Lakhisarai.
7. Chandradeo Yadav, aged about 79 years, Male, Son of Late Bhairo Yadav Resident of Village - Pachena, P.S.- Lakhisarai, District - Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar Singh
For the Respondent/s : Mr.Shiwesh Chandra Mishra

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 16-05-2019

Heard learned counsel appearing for the appellant as
well as learned Additional Public Prosecutor for the State on the



point of admission and in our view, this criminal appeal can be disposed of on admission stage itself.

2. The respondents no. 2 to 7 were acquitted by the learned Additional Sessions Judge, Fast Track Court-I, Lakhisarai vide impugned judgment and order of acquittal dated 16.01.2019 passed in Sessions Trial No. 883 of 2007 (amalgamated S.T. No. 600/ 2008). The learned Trial Court convicted the other accused by the said impugned judgment.

3. The grievance of the appellant is that learned Trial Court on the same set of evidence convicted the other accused, whereas, acquitted the respondents no. 2 to 7 which is not in accordance with law. Learned counsel for the appellant further submits that the learned Trial Court has not properly appreciated the prosecution evidence as a result whereof, the learned Trial Court commit error in acquitting respondents no. 2 to 7.

4. On the other hand, learned Additional Public Prosecutor has supported the impugned judgment of acquittal arguing that the learned Trial Court has dealt with prosecution witness and gave sound reasons for acquittal of respondents no. 2 to 7. He submits that there is no ground to disturb the findings of the Trial Court.



5. The perusal of the impugned judgment goes to show that the learned Trial Court dealt with the prosecution evidence from all the angles and after analyzing the prosecution evidence came to the conclusion that prosecution failed to prove its case against respondents no. 2 to 7 beyond all shadow of doubts.

6. It is well settled principle of law that the findings of Trial Court can not be disturbed unless the said findings appear to be absurd, perverse or without consideration of evidence. In the present case, we do not find any perversity or absurdity in the findings of the learned Trial Court and, therefore, we are of the view that this appeal does not have any merit and, accordingly, this appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

Sushma/ Prakash

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

