

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.556 of 2019

Arising Out of PS. Case No.-280 Year-2012 Thana- ALAMGANJ District- Patna

Ram Kishun Prasad, aged about 68 years S/o Late Mahadev Prasad R/o
Mohalla- Makhanpur Idgah, P.S.- Alamganj, District- Patna

... .. Appellant

Versus

1. The State of Bihar
2. Ramjee Tatwa
3. Krishna Tatwa.

Both S/o Late Sukhu Tatwa R/o Mohalla- Makhun Idgah, P.S.-
Alamganj, District- Patna

... .. Respondents

Appearance :

For the Appellant/s : Mr. Kamod Kumar Vidyarthi, Adv.
For the Respondent/s : Mr. Ajay Mishra, A.P.P.

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

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

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

Date : 25-07-2019

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.

The appellant is aggrieved by the impugned judgment of acquittal dated 24.04.2019 passed by learned Additional Sessions Judge-IV, Patna City in Sessions Trial No. 640 of 2015 by which and where under he acquitted the respondents no. 2 and 3 from the charges framed under Sections 302/34, 120B of the I.P.C.



Learned counsel appearing for the appellant submits that in course of trial, prosecution brought evidence to show that deceased had love affair with daughter of respondent no. 2 and that was the reason, respondents no. 2 and 3 committed the murder of the deceased.

On the other hand, learned Additional Public Prosecutor submits that except suspicion, there was nothing against the respondents no. 2 and 3.

Having heard the contentions of both the parties, we went through the impugned judgment. Admittedly, none had seen the actual killing of the deceased and in course of trial, prosecution brought evidence to this effect that deceased was in love with daughter of respondent no. 2 three years prior to the alleged occurrence. Furthermore, perusal of impugned judgment goes to show that daughter of respondent no. 2 had already solemnized her marriage and has become mother of a child. Moreover, even if it assumed that deceased had love affair with daughter of respondent no. 2 three years prior to the alleged occurrence, then also, except suspicion, there is nothing against the respondents no. 2 and 3. It is well settled principle of law that suspicion, however, may be strong, cannot take place of evidence. Therefore, in our view, the learned trial court rightly passed the



judgment of acquittal 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)

(Prabhat Kumar Singh, J)

shahzad/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	30.07.2019
Transmission Date	30.07.2019

