

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.854 of 2018

Arising Out of PS. Case No.-169 Year-2006 Thana- BARH District- Patna

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Upendra Singh Son of Late Alakhdeo Singh, Resident of Village- Karjan,
P.S.- Athmal Gola, District- Patna.

... .. Appellant

Versus

1. The State Of Bihar
2. Pramod Singh, Son of Late Laxmi Singh,
3. Sanni Kumar, Son of Mukul Singh,
4. Kishore Kumar Singh, Son of Mukul Singh,
5. Mukul Singh, Son of Late Laxmi Singh,
All resident of Village- Karjan, P.S.- Athmal Gola, District- Patna.

... .. Respondents

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Appearance :

For the Appellant/s	:	No one
For the Respondent/s	:	Mr. Arun Kumar Arun, Adv.
For the State	:	Mr. Shivesh Ch. Misra, 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)

12 06-05-2019 Heard learned counsel appearing for respondent nos. 2
to 5 as well as learned Additional Public Prosecutor for state.

No one appears on behalf of the appellant on repeated
calls.

Since, this appeal has been preferred against judgment
of acquittal and no one is appearing on behalf of the appellant to
pursue this appeal, therefore, in our view, this appeal can be
disposed of on admission stage itself.



The appellant is aggrieved by impugned judgment of acquittal dated 02.05.2018 passed by 1st Additional Sessions Judge, Barh, Patna in Sessions Trial No. 733 of 2008 arising out of Barh P. S. Case No. 169 of 2006 by which and whereunder, the learned 1st Additional Sessions Judge, Barh, acquitted the respondent nos. 2 to 5 from the charges framed against them under Sections 307/34 and 326 of the Indian Penal Code.

Learned counsel appearing for respondent nos. 2 to 5 submits that the learned trial court has discussed the prosecution evidence in detail and came to definite finding that prosecution could not succeed to prove its case beyond all shadow of reasonable doubt. He, further, submitted that the learned trial court noticed that the prosecution produced manufactured inquiry report and taking note of the aforesaid fact as well as this aspect of the matter that there was case and counter case between the parties and some accused had also sustained injury and prosecution suppressed the aforesaid fact, the trial court recorded the finding of acquittal.

The perusal of impugned judgment goes to show that the learned trial court has well discussed the evidences available on the record and after discussing the evidences passed the impugned judgment of acquittal. There appears to be no



perversity in the impugned judgment and, therefore, in our view,
this appeal is liable to be dismissed on admission stage itself.

Accordingly, this appeal stands dismissed on
admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

Rajeev Kumar/-

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