

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.576 of 2019

Arising Out of PS. Case No.-68 Year-2002 Thana- SIWAIPATTI District- Muzaffarpur

1. Manjey Lal Prasad Son of Late Jagnath Prasad Resident of Village - Saghari, P.S.- Shivaipatti, Dist.- Muzaffarpur.
2. Durga Devi W/o Late Jagnath Prasad Resident of Village - Saghari, P.S.- Shivaipatti, Dist.- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Naresh Bhagat Son of Mishri Lal Bhagat Resident of Village - Sahgari, P.S.- Shiwaipatti, Dist.- Muzaffarpur.
3. Binod Bhagat Son of Chandrika Bhagat Resident of Village - Sahgari, P.S.- Shiwaipatti, Dist.- Muzaffarpur.
4. Bishwanath Bhagat Son of Raghunath Bhagat Resident of Village - Sahgari, P.S.- Shiwaipatti, Dist.- Muzaffarpur.
5. Mithilesh Bhagat Son of Raghunath Bhagat Resident of Village - Sahgari, P.S.- Shiwaipatti, Dist.- Muzaffarpur.
6. Kewal Bhagat Son of Singeshwar Bhagat Resident of Village - Sahgari, P.S.- Shiwaipatti, Dist.- Muzaffarpur.
7. Indrajit Bhagat Son of Kewal Bhagat Resident of Village - Sahgari, P.S.- Shiwaipatti, Dist.- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar Rakesh
For the Respondent/s : .Km. Shashi Bala Verma

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

3 10-07-2019 Heard learned counsel for the appellants as well as

learned Additional Public Prosecutor for the State on the point



of admission.

In our view, this appeal can be disposed of on admission stage itself.

The appellants are aggrieved by the impugned judgment of acquittal dated 09.04.2019 passed by Ad-hoc Additional Sessions Judge, F.T.C-II, Muzaffarpur in Session Trial No.476 of 2003/326 of 2005 by which and whereunder, the learned trial court acquitted the respondent nos. 2 to 7 from the charges framed against them under section 302 and other minor sections of the Indian Penal Code.

Learned counsel appearing for the appellants submits that the learned trial court failed to appreciate the prosecution evidence properly. He submitted that the investigating officer admitted in his deposition that he had recorded the statement of deceased prior to his death but the learned trial court did not take note of the aforesaid fact and, therefore, the impugned judgment of acquittal cannot sustained in the eye of law.

On the contrary, learned Additional Public Prosecutor submits that the learned trial court has dealt with the prosecution evidence and has given sound reasoning for writing the judgment of acquittal. Learned Additional Public Prosecutor further submits that there is nothing in the impugned judgment



which invites the appellate court for setting aside the impugned judgment of acquittal.

Having heard the contentions of both the parties, we find that the learned trial court has dealt with the evidences available on the record and it has specifically been mentioned in the impugned judgment that so called statement of deceased was not brought on record by the prosecution. Moreover, we find that the learned trial court has written a well discussed and well thought judgment which does not require any interference in this appeal. Accordingly, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

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