

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1079 of 2018
In
CRIMINAL APPEAL (SJ) No.931 of 2016

Arising Out of PS. Case No.-25 Year-2004 Thana- PHENHARA District- East Champaran

Diwakar Singh Chauhan Son of Late Permashwar @ Pameshwar Singh R/o
village-Marpa Mohan, P.S- Fenhara, District- East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
4. Ashok Singh @ Ashok Samrat Son of Uday Narayan Singh R/o village-
Marpa Mohan, P.S- Fenhara, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Anis Akhtar

For the Respondent/s : Mr.Sri Zeyaul Hoda

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

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

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

Date : 18-06-2019

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 appellant is aggrieved by the impugned judgment of acquittal dated 26.05.2016 passed by the learned Additional Sessions Judge 13th, East Champaran, Motihari in



Sessions Trial No. 797 of 2007 arising out of Fenhara P.S. Case No. 25 of 2004 by which and where under he acquitted the sole respondent namely, Ashok Singh from the charges framed under Section 120B of the Indian Penal Code and Section 3/4 of the Explosive Substance Act.

3. It would appear from perusal of the lower Court records that in course of trial, four prosecution witnesses were examined but P.W.-1 and P.W.-2 were declared hostile and only P.W.-3 claimed that prior to alleged occurrence, sole respondent Ashok Singh and some others were making plan to commit murder of the deceased in front of his shop.

4. Learned counsel appearing for the appellant submits that the statement of P.W. 3 is sufficient to show that the sole respondent Ashok Singh had entered into a conspiracy with other persons to commit murder and there was sufficient evidence before the Trial Court to convict the sole respondent Ashok Singh.

5. However, we are not in agreement with the submission of learned counsel for the appellant because the learned Trial Court has discussed the evidence of P.W.-3 and we do not find any ground to interfere into the findings of the



learned Trial Court. Accordingly, this appeal stands dismissed
on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

Prakash/Sushma

AFR/NAFR	AFR
CAV DATE	
Uploading Date	
Transmission Date	

