

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1345 of 2018**

Arising Out of PS. Case No.-86 Year-2014 Thana- GUTHANI District- Siwan

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Noor Mohammed @ Noor Mahammad S/o Late Dholan Mian, R/o Village-
Guthani, P.S.- Guthani, District- Siwan.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mushaheb Mian, S/o Late Sudin Mian,
3. Amir Mian, S/o Mushaheb Mian,
4. Gulfaam Mian, S/o Qyamuddin Mian,
5. Gulaam Mian, S/o Mushaheb Mian,
6. Quadir Gulam Mian, S/o Mushaheb Mian,
7. Qyamuddin Mian, S/o Late Sudin Mian.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Kumar Pandey
For the Respondent/s : Mr.Sri Mayanand Jha

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**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 for the appellant as well as
learned 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. This criminal appeal has been preferred against the
judgment of acquittal dated 30.08.2018 passed by the learned



Additional Sessions Judge IV, Siwan in Sessions Trial No. 74 of 2015, whereby and where under he acquitted the respondents no. 2 to 7 from the charges framed against them for the offences punishable under Sections 147, 307, 323, 324, 325, 379, 504 and 506/34 of the Indian Penal Code.

3. Learned counsel appearing for the appellant submits that the learned Trial Court did not give an opportunity to prosecution to examine the informant as well as I.O. and without examining the aforesaid witnesses, the learned Trial Court passed the judgment of acquittal.

4. On the other hand, learned Additional Public Prosecutor has supported the impugned judgment of acquittal pointing out that, altogether, four prosecution witnesses including wife and son of the informant were examined by the prosecution and out of the aforesaid four prosecution witnesses, only wife of the informant supported the prosecution case whereas remaining prosecution witnesses including son of informant were declared hostile. He, further, pointed out that the wife of the informant admitted in her cross-examination that the respondents no. 2 to 7 are her agnates and they had also filed criminal case against her husband.



5. Having heard the contentions of both the parties, we went through the impugned judgment and we find that except the wife of the informant, not a single prosecution witness has come in support of the prosecution case and the learned Trial Court having taken note of the aforesaid facts as well as other circumstances, passed the judgment of acquittal which does not need any interference by this Court. Accordingly, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

Sushma/prakash

AFR/NAFR	AFR
CAV DATE	
Uploading Date	
Transmission Date	

