

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.945 of 2019

Arising Out of P.S. Case No.-37 Year-2016 Thana- GOPALPUR District- Bhagalpur

Sukesh Kumar Yadav @ Sukesh Kumar @ Sukesh Yadav, aged about 28 years, Male, S/o Tanik Lal Yadav R/o village- Bari Makandpur, P.S.- Gopalpur, District- Bhagalpur

... .. Appellant

Versus

1. The State Of Bihar
2. Naresh Poddar S/o Late Raghunandan Poddar R/o village- Bari Makandpur, P.S.- Gopalpur, Distirct- Bhagalpur

... .. Respondents

Appearance :

For the Appellant : Mr. Ranjan Kumar Jha, Advocate
For the Respondents : Km. Shashi Bala Verma, APP

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

3 01-10-2019 Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for State on point of Admission and, we are of the view that this appeal can be disposed of Admission stage itself.

The appellant is aggrieved by the impugned judgment dated 18.07.2019 passed by learned Additional Sessions Judge-II, Naugachia, Bhagalpur in Sessions Trial No.518 of 2016/3 of 2017 by which and whereunder, he acquitted the respondent no.2 (Naresh Poddar) from the charges framed against him under Sections 147, 148, 341/149, 307/149 and 302/149 of the Indian Penal Code and Section 27 of the Arms Act whereas convicted the other accused under various Sections of the IPC.



The grievance of the appellant is that in course of trial, almost all the material prosecution witnesses claimed before the trial Court that respondent no.2 (Naresh Poddar) instigated the others to kill the brother of the informant (Mukesh Kumar) but the learned trial Court on flimsy ground, discarded the statement of material prosecution witnesses.

The perusal of para-24 of the impugned judgment goes to show that the learned trial Court discussed the evidences available on the record against the respondent no.2 (Naresh Poddar) and after discussion, gave the benefit of doubt to respondent no.2, taking note of this fact that there was land dispute between the appellant and respondent no.2 (Naresh Poddar) and, furthermore, the witnesses made contradictory statements in respect of participation of respondent no.2 (Naresh Poddar) in the alleged crime. Therefore, we do not find any ground to interfere into the aforesaid findings of the learned trial Court, and, accordingly, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

B.Kr./-

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(Prabhat Kumar Singh, J)

