

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1400 of 2019**

Arising Out of PS. Case No.-173 Year-2008 Thana- SHEKHPURA District- Sheikhpura

Mostt. Sudha Devi, aged about 73 years, Female, Wife of Late Sarju Mistri @
Surju Mistri Resident of Village - Pandarak, P.S.- Pandarak, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Sharma, aged about 45 years, Male, Son of Baleshwar Mistri Resident of Village - Sarmaidan, Sarbnan, P.S.- Sheikhpura, District- Sheikhpura
3. Renu Devi, aged about 35 years, Female, D/O- Baleshwar Mistri Resident of Village - Sarmaidan, Sarbnan, P.S.- Sheikhpura, District- Sheikhpura
4. Baiju Sharma, aged about 40 years, Male, Son of Baleshwar Mistri Resident of Village - Sarmaidan, Sarbnan, P.S.- Sheikhpura, District- Sheikhpura
5. Baleshwar Mistri @ Bulaki Mistri, aged about 70 years, Male, Son of Late Basudeo Mistri Resident of Village - Sarmaidan, Sarbnan, P.S.- Sheikhpura, District- Sheikhpura
6. Shankar Mistri, aged about 50 years, Male, Son of Baleshwar Mistri Resident of Village - Sarmaidan, Sarbnan, P.S.- Sheikhpura, District- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun Kumar Arun, Adv.
For the Respondent/s : Mr. S.C. Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 26-11-2019

Heard learned counsel for the appellant and counsel for
the respondents.

This appeal has been filed against the order of acquittal
dated 29.07.2019 in Sessions Trial No. 10 of 2017 arising out of



Seikhpura P.S. Case No. 173 of 2008 registered under Sections 302/201/34 of the Indian Penal Code.

As per allegation, under pressure, the deceased son of the appellant was living in his Sasural and used to work at the saw mill of his father-in-law. On 25.3.2008, the deceased asked his mother to arrange Rs. 30,000/-. The appellant arranged the aforesaid amount and gave the same to her son. In turn, the deceased gave the amount to his father-in-law. On 10.4.2008, the deceased gave an information in this regard to his mother on phone. On 15.4.2008 the deceased met with Naresh Mistry who was the son of the sister of the appellant who informed the appellant that her son has been cheated and no shop has been opened. It has been alleged that with the connivance of in-laws and the wife, her son has been killed. She has stated that on 27.4.2008, she saw a dream that her son has been killed, whereafter, she went to the house of in-laws of the deceased on 29.4.2008 and tried to find out the whereabouts of her son but, she received a reply that they do not know about the deceased, whereafter, on 30.4.2008, the appellant again visited the house of the in-laws but, she did not buzz a word and she started weeping, whereafter, Baleshwar Mistry and his son Shankar Mistry, Sunil Mistry and Pappu Sharma came there and stated that they have killed her son and



disappeared the body of the deceased and also stated that the appellant is at liberty to take any step whatever she likes.

In the present case, the finding has been recorded that the body of the deceased has not been recovered, the Investigating Officer of this case has not been examined, save and except, strong suspicion against the respondents. There is also no evidence which reflects the attribution of allegation against the respondents.

Having considered the entire facts and circumstances of the case, we do not find any merit in the present appeal on account of bereft of evidence against the respondents.

Accordingly, this appeal stands dismissed.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2019
Transmission Date	

