

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.18 of 2019**

Arising Out of PS. Case No.-35 Year-2012 Thana- MINAPUR District- Muzaffarpur

Mani Mala Gupta, wife of Late Sunil Kumar Sah Resident of Village-Sirsi,
P.S-Nanpur, District-Sitamarhi

... .. Appellant

Versus

1. The State Of Bihar
2. Bare Babu @ Bara Babu Sah
3. Shatrudhan Sah
4. Ram Vinay Sah

Sl. no. 2 to 4 are sons of Ramyash Sah Resident of Village-Sirsi, P.S.-
Nanpur, Dist.-Sitamarhi

... .. Respondents

Appearance :

For the Appellant/s : Mr. Sanjay Parasmani
For the Respondent/s : Mr. Mayanand Jha

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

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

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

Date : 02-07-2019

1. Heard learned counsel appearing for the appellant
as well as learned Additional Public Prosecutor for the State on
I.A. No. 01 of 2019 as well as on the point of admission.

2. I.A. No. 01 of 2019 has been filed for grant of
leave. Admittedly, the appellant happens to be wife of the deceased
and, therefore, there is no need to seek leave to file appeal against
the impugned judgment as the appellant has statutory right to
prefer the appeal.



3. This appeal has been preferred against the impugned judgment dated 09.10.2018 passed by learned 1st Additional Sessions Judge, Muzaffarpur in Sessions Trial No. 131 of 2013 and Sessions Trial No. 249 of 2014 arising out of Minapur P.S. Case No. 35 of 2012 by which and whereunder learned 1st Additional Sessions Judge, Muzaffarpur acquitted the respondents no. 2, 3 and 4 from the charge framed against them for the offences punishable under Sections 302, 201 of the I.P.C. and by the same impugned judgment convicted co-accused Ramyash Sah.

4. Learned counsel appearing for the appellant submits that learned 1st Additional Sessions Judge, Muzaffarpur on the basis of same evidence convicted co-accused Ramyash Sah but acquitted respondents no. 2, 3 and 4. He submitted that in course of trial, almost all the prosecution witnesses stated that respondents no. 2, 3 and 4 as well as convicted accused Ramyash Sah made their extrajudicial confessional statement and the learned trial court having relied upon above stated extrajudicial confessional statement convicted co-accused Ramyash Sah but acquitted respondents no. 2, 3 and 4.

5. Perusal of impugned judgment goes to show that prosecution came with specific case that respondents no. 2, 3, 4 as well as convicted accused Ramyash Sah made their extrajudicial



confession in Panchayati and a Panchnama was prepared which was signed by the convicted accused Ramyash Sah. The learned trial court noted the aforesaid fact and acquitted the respondents no. 2, 3 and 4 on the ground that aforesaid Panchnama was not signed by respondents no. 2, 3 and 4. In our view, there is no absurdity in the view taken by the learned trial court.

6. In view of the aforesaid facts and circumstances as well as discussions, we are of the view that this appeal is devoid of merit and is liable to be dismissed. Accordingly, this appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

shahzad/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A.
Uploading Date	04.07.2019
Transmission Date	04.07.2019

