

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1277 of 2019

Arising Out of PS. Case No.-113 Year-2013 Thana- NAWADA MUFFASIL District- Nawada

Sugiya Devi, wife of Sri Manjhi, resident of village- Bharatpura, P.S.-
Muffasil, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar, Patna.
2. Chandrika Yadav, son of Kailash Mahto, resident of village- Bharatpura, P.S.- Muffasil, District- Nawada.
3. Naresh Yadav, son of Late Gajo Mahto @ Jago Yadav, resident of village- Bharatpura, P.S.- Muffasil, District- Nawada.
4. Kailash Yadav, son of Jagdeo Yadav, resident of village- Bharatpura, P.S.- Muffasil, District- Nawada.

... .. Respondent/s

Appearance :

For the Appellant	: Mr. Dilip Kumar Jha, Advocate
For the respondents no.2 to 4	: Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Neeta Quadros, Advocate
For the State	: Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 11-10-2022

Heard Mr. Dilip Kumar Jha, learned counsel for the appellant; Mr. Yogesh Chandra Verma, learned senior counsel along with Ms. Neeta Quadros, learned counsel for the respondents no.2 to 4 and Mr. Sadanand Paswan, learned Special P.P. for the State.

2. The present appeal has been preferred by the informant of Nawada Mufassil P.S. Case No. 113 of 2013 being



aggrieved by the judgment dated 30.07.2019 passed by the learned Additional Sessions Judge-I cum Special Judge, Nawada in Special (H) Case No. 19 of 2014 by which the respondents no. 2 to 4 have been acquitted of the charges under Sections 302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”).

3. The allegation against the respondents no. 2 to 4 was of assaulting the deceased leading to his death.

4. Learned counsel for the appellant submitted that though charges were framed under Sections 302/34 of the Indian Penal Code and 3(2)(v) of the SC/ST Act, but in the judgment of acquittal, only the minor contradictions have been relied upon and most importantly, the Court has not dealt with the aspect as to whether the accused had committed offence under the SC/ST Act. It was submitted that witnesses have consistently supported the prosecution story, but still the Court on hyper technicality has acquitted them. Learned counsel submitted that the factum of death has not been disproved and thus there has to be a cause for death to have occurred and when there is sufficient ocular testimony, the Court ought not to have acquitted the respondents



no. 2 to 4.

5. Learned Special P.P. submitted that the judgment is well considered and the contradictions have also been dealt with, which clearly indicate that there was enough reason to give benefit of doubt to the accused and rightly the Court has acquitted them. Further, it was contended that once the trial Court has found contradiction and unreliability of the witnesses examined on behalf of the prosecution, it is not obliged to individually deal with the sections the accused are charged with and this is no ground for this Court to interfere.

6. Learned senior counsel for the respondents no. 2 to 4 submitted that the major contradictions relate to the place of occurrence where some witnesses have stated that it took place at the house of the deceased whereas some have stated that it took place at the tubewell and further that the injuries found are only laceration on the face with one incised wound which could have easily occurred due to falling from a height and there is no other indication of any other assault. Most importantly, it was submitted that even as per the prosecution story, the accused were demanding ransom from another person and not the deceased and thus, there was no occasion for them to assault the deceased in such a manner so as to cause death.



7. Having considered the submissions of learned counsel for the parties and upon going through the judgment impugned and the reasoning therein, the Court does not find any occasion to interfere. In fact, the contradictions as have been noted by the Court below as also the circumstances accompanying it, justify the acquittal of the respondents no. 2 to 4, giving them benefit of doubt.

8. For reasons aforesaid, the appeal stands dismissed.

(Ahsanuddin Amanullah, J)

(Purnendu Singh, J)

Mantreshwar/
Minu

AFR/NAFR	NAFR
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