

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (DB) No.90 of 2022**

Arising Out of PS. Case No.-98 Year-2006 Thana- UDWANTNAGAR District- Bhojpur

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Ramadhar Singh Son of Late Sita Ram Singh Resident of Village –  
Chaurasni, Police Station - Udawantnagar, District- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar Singh Son of Late Sita Ram Singh Resident of Village –  
Chaurasni, Police Station - Udawantnagar, District- Bhojpur.

... .. Respondent/s

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with

**CRIMINAL APPEAL (DB) No. 27 of 2022**

Arising Out of PS. Case No.-98 Year-2006 Thana- UDWANTNAGAR District- Bhojpur

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Ramadhar Singh Son of Late Sita Ram Singh Resident of Village- Chaurasni,  
Police Station- Udawantnagar, District- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Singh @ Bambam Singh Son of Sri Bhagwan Singh Resident of  
Village- Chaurasni, Police Station- Udawantnagr, District- Bhojpur.
3. Biru Singh @ Batru Singh Son of Sri Bhagwan Singh Resident of Village-  
Chaurasni, Police Station- Udawantnagr, District- Bhojpur.
4. Satendra Singh S/o Sri Ramayan Singh Resident of Village- Chaurasni,  
Police Station- Udawantnagr, District- Bhojpur.
5. Bambam Singh @ Baban Singh Son of Late Ganesh Singh Resident of  
Village- Chaurasni, Police Station- Udawantnagr, District- Bhojpur.
6. Lal Babu Singh Son of Late Ganesh Singh Resident of Village- Chaurasni,  
Police Station- Udawantnagr, District- Bhojpur.
7. Sri Bhagwan Singh Son of Late Shiv Pujan Singh Resident of Village-  
Chaurasni, Police Station- Udawantnagr, District- Bhojpur.

... .. Respondent/s

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**Appearance :**

(In CRIMINAL APPEAL (DB) No. 90 of 2022)

For the Appellant/s : Mr. Vikramdeo Singh, Sr. Advocate



For the Respondent/s : Mr. Prabhat Kumar Singh, Advocate  
For the Accused : Mrs. S.B. Verma, APP  
Mr. Anant Kumar Pandey, Advocate  
Mr. Ashok Kumar Singh, Advocate  
(In CRIMINAL APPEAL (DB) No. 27 of 2022)  
For the Appellant/s : Mr. Vikramdeo Singh, Sr. Advocate  
Mr. Prabhat Kumar Singh, Advocate  
For the Respondent/s : Mrs. Shashi Bala Verma, APP

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**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**  
**and**  
**HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE A. M. BADAR)**  
**Date : 23-03-2023**

By these appeals, appellant who happens to be First Informant is challenging the judgments and orders dated 30.11.2021 passed by learned 3<sup>rd</sup> Additional Sessions Judge, Bhojpur (Arrah), Bihar, in connection with Sessions Trial No.267 of 2008 and Sessions Trial No.3 of 2007, thereby acquitting private respondents in both these appeals of the offences punishable under Section 302 read with Section 149, under Section 201 read with Section 34 of the Indian Penal Code as well as Section 27 of the Arms Act.

2. According to the prosecution case, there was marriage of Ramasarekha Singh @ Lali Singh wherein deceased Babloo, who happens to be nephew of the First Informant, was present. It is further averred by the prosecution that at about 8:30 PM of that day, acquitted accused Umesh Singh snatched country-made fire-arm from acquitted accused Ajay Singh and



suddenly fired at Babloo causing death of Babloo.

3. The learned counsel appearing for the appellant argued that PW 1 Dhananjay Singh is an eyewitness to the incident and the learned trial Court has committed error in rejecting the trustworthy version of PW 1 Dhananjay Singh who has deposed about the incident of commission of murder of Babloo by the acquitted accused.

4. We have considered the submissions so advanced. We also perused the materials placed on record.

5. It is seen that PW 1 Dhananjay Singh is related to deceased Babloo. PW 2 Ramadhar Singh who happens to be the First Informant and uncle of the deceased was also knowing the incident in question. However, the report of the incident in question came to be lodged after about four days of the incident. There is no plausible explanation for delay in lodging the report. Prior to lodging the report as seen from the report, dead body of Babloo was already cremated and the prosecution has not even proved the homicidal death of Babloo. The learned trial Court has given cogent reason for acquittal of respondents in the crime in question. Even the learned trial Court has held that presence of the so called eyewitness on the scene of the occurrence is doubtful and that is how his version



came to be rejected. It is further held by the learned trial Court that PW 1 Dhananjay Singh who happens to be an eyewitness to the incident had disclosed the incident to the other witnesses who are near and dear ones of the deceased. However, they had also kept silence for a period of about four days.

6. In the light of appreciation of evidence by the learned trial Court, we are unable to hold that the approach adopted by the learned trial Court is perverse. The learned trial Court has taken plausible view of the matter and, therefore, there is no reason to interfere with the reasoned judgment of the learned trial Court. Hence, the appeals are devoid of merit and those are accordingly dismissed.

(A. M. Badar, J)

( Chandra Shekhar Jha, J)

Mkr./-

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