

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.351 of 2017

Arising Out of PS. Case No.-82 Year-2008 Thana- BUXAR MUFFSIL District- Buxar

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Amar Gond Son of Maina Gond, Resident of Village- Kulharia, P.S. Buxar M,
District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors.
2. Ramyash Gond, Son of Ghughali Gond.
3. Ramji Gond, Son of Jamuna Gond.
4. Ram Vilash Gond, Son of Ghugali Gond.
5. Jamuna Gond, Son of Ghugali Gond.
6. Jawahir Gond, Son of Ramyash Gond.
7. Buddhu Gond, Son of Ramyash Gond.
8. Bhajuman Gond, Son of Yamuna Gond.
9. Laxman Gond, Son of Yamuna Gond.
10. Sona Lal Gond, Son of Ramji Gond.
11. Madhuri Devi, Daughter of Budhu Gond, All Resident of Village- Kulharia,
P.S. Buxar M, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Bihari Sinha, Adv.
For the Respondent/s : Mr. Sri Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 14-03-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

The present Revision application is directed against
the judgment and order dated 06.01.2017 passed by the
Additional District Judge IVth, Buxar in Sessions Trial Case
No. 173 of 2009 by which the opposite party no. 2 to 11 have

been acquitted and discharged from the liability of their respective bail bonds.

Counsel for the petitioner submits that there are apparent errors of finding of facts due to the reason that the contention of the F.I.R. has been substantiated by six prosecution witnesses and Trial Court has completely ignored prosecution. Counsel further submits that allegation of sprinkling of kerosene oil on the hut is there in the evidence, and thereafter, allegation of putting the hut on fire is there. Counsel for the petitioner submits that non-consideration and ignoring the six witnesses, is a gross irregularity in finding of facts.

Counsel for the State submits that the said appeal has been preferred by the State itself and after the judgment passed by the Appellate Court, State has not preferred filing Revision, rather the informant has preferred this Revision.

It transpires from the judgment of the Appellate Court that in the cross examination the I.O. has categorically stated that he did not find any sign of burn on the alleged place of occurrence, where he has inspected the place of occurrence on the date of occurrence. Appellate Court has also indicated in the order-sheet that existence of enmity between both the parties

was already there and earlier also a case was filed by the informant side.

In this view of the matter, it transpires that the place of occurrence is itself in question, where the alleged action of crime has taken place and the entire case collapsed.

In the above circumstance, I find that there is no need of any interference in the said judgment date 06.01.2017 passed by Additional District Judge IVth, Buxar in Sessions Trial Case No. 173 of 2009 and the present revision application is hereby **dismissed**.

(Dr. Anshuman, J.)

ashishsingh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	