

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.156 of 2021

Arising Out of PS. Case No.-111 Year-2017 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

=====

BEBI DEVI Wife of Anil Raut Resident of Village - Ambari, P.S.-
Shekhopursarai, District - Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rambilash Raut Son of Late Chando Raut Resident of Village - Ambari,
P.S.- Shekhopursarai, District - Sheikhpura.
3. Meera Devi Wife of Naresh Raut Resident of Village - Ambari, P.S.-
Shekhopursarai, District - Sheikhpura.
4. Ranju Devi Wife of Rambilash Raut Resident of Village - Ambari, P.S.-
Shekhopursarai, District - Sheikhpura.
5. Deepak Kumar Son of Rambilash Raut Resident of Village - Ambari, P.S.-
Shekhopursarai, District - Sheikhpura.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Sheo Nandan Prasad, Advocate
For the State : Mr. Satyanarayan Prasad, APP
For the Respondent Nos. 2 to 5 : Mr. Dinkar Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA)

Date : 30-11-2023

Heard learned counsel for the appellant and learned
APP for the State.

2. This appeal has been filed against the judgment of
acquittal dated 07.10.2020 passed by learned District and
Sessions Judge, Sheikhpura in S.Tr. No. 23 of 2018 and S.Tr.
No. 04 of 2019 amalgamate (arising out of Sheikhopursarai P.S.



Case No. 111 of 2017) whereby and whereunder the respondent nos. 2 to 5 have been acquitted from the charges under Sections 147, 148, 149, 323, 324, 325, 307 and 302 of the Indian Penal Code.

3. Learned counsel for the appellant submits that the learned Court below has passed the judgment of acquittal without consideration of the evidence available on record. He further submits that the learned Court below failed to consider that prosecution witnesses and postmortem report by doctor (P.W. 1) has proved the committed murder. It is next submitted that the eye witness (P.W.4) was also present with the P.W. 2, P.W.3 and P.W. 6 at the place of occurrence and P.W. 4 with P.W. 2 tried to save the deceased but the accused persons assaulted them. He also submits that learned Court below failed to consider the evidence of the respondent Nos. 2 to 5 who committed murder. Learned counsel submits that learned Court below has failed to consider the evidence which was on record and has created doubt without any rhyme/reason.

4. Learned APP submits that the prosecution story mentions that when the informant along with her husband Anil Raut, son Rupesh Kumar and daughter Juli Kumari went to the house of Ram Bilash Raut to save the deceased, the accused



persons abused and assaulted them with lathi, danda, bricks and stones resulting in injuries. On *Hulla*, nearby persons came and took them to Hospital for treatment. Learned APP further submits that during evidence, P.W. 2 Anil Raut, father of the deceased, has narrated the same story. P.W. 3 Juli Kumari, sister of the deceased, has stated the same story but she has stated that the accused persons assaulted them with Bricks, Bhala, Khanti. Thereafter, they were treated and were referred to Biharsharif. P.W. 4 Rupesh Kumar, brother of the deceased has stated in his evidence the same story about the assault by the accused persons. Learned A.P.P. further submits that there is no injury report on the record with respect to the witnesses, Anil Raut, Rupesh Kumar and Juli Kumari. Only the postmortem report of the deceased is on record. Learned A.P.P. further contends that it evident from the Inquest Report that the dead body of the deceased was recovered from the house of the deceased itself and not from the house of the accused persons, which creates serious doubt on the prosecution version.

5. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, we do not find any perversity in the impugned judgment passed by the learned trial Court. The appeal is, accordingly, dismissed being



devoid of any merit, at the stage of admission itself.

(Arvind Srivastava, J)

(Sunil Dutta Mishra, J)

ashutosh/-
ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.12.2023
Transmission Date	04.12.2023

