

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.991 of 2023

Arising Out of PS. Case No.-429 Year-2012 Thana- BARACHATTI District- Gaya

Ram Ratan Manjhi Son of Late Sita Ram Manjhi, Resident of Village
Ganggawar P.S Barachatti District Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Ram Pravesh Manjhi @ Prem Manjhi Son of Late Ramji Manjhi, R/o vill -
Ganggawar, P.S - Barachatti, Dist. - Gaya.
3. Kuleshwar Manjhi Son of Late Bigan Manjhi, R/o Vill - Ganggawar, P.S -
Barachatti, Dist. - Gaya.
4. Sukan Manjhi Son of Late Rama Manjhi, R/o Vill - Ganggawar, P.S -
Barachatti, Dist. - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Devesh Shankaran, Advocate.
	:	Mr. Kuber Pathak, Advocate.
	:	Mr. Praitosh Lall, Advocate.
For the Respondent/s	:	Mr. Bipin Kumar, APP.

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 05.12.2022 passed by learned Additional
Sessions Judge-II, Gaya in connection with Session Trial
No.521 of 2014/ Trial No.148 of 2022, BRGA01-000191-2014
arising out of Barachatti Police Station Case No.429 of 2012



dated 12.10.2012 whereby and whereunder the respondent no.2 to 4 have been acquitted from the charges under Sections 364, 302/201 of the Indian Penal Code.

3. Learned counsel for the appellant submits that the Trial Court has passed the judgment of acquittal without consideration of the evidence available on record. He further submits that the prosecution has proved his case against all persons including respondent nos.2 to 4 beyond all reasonable doubts. He also submits that the Trial Court has failed to consider the deposition of P.W.1 and P.W.2 who were eye witness in this case. The Trial Court has also failed to consider the evidence of P.W.3 who has specifically named the respondent nos.2 to 4 alongwith other co-accused persons and also identified the dead body of his father. He further submits that the Trial Court has also failed to consider the deposition of P.W.4, P.W.5, P.W.7 and P.W.8 due to the reason that they are relatives and interested witnesses of this case. He also submits that the Trial Court has not relied upon the principle of 'Last Seen Theory' against the respondent nos.2 to 4.

4. Learned APP for the State submits that the prosecution has failed to prove that the dead body is of the deceased Sita Ram Manjhi. There are many contradictions in the



statements of the witnesses. The witnesses have even narrated different stories. Further he submits that it has come on record that the parties are on litigating terms. Hence, the Trial Court has rightly passed the impugned judgment of acquittal.

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 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)

Ritik/Ashutosh/-

AFR/NAFR	NAFR
CAV DATE	NA
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