
(2011) 04 PAT CK 0041

In the Patna High Court

Case No : Criminal Appeal (SJ) No. 95 of 1995

Ram Nath Singh, Sidhnath Singh @ Bhudai Singh, Ram
Chander Singh and Anil Singh

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 18-04-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 144, 307, 341

Citation : (2011) 04 PAT CK 0041

Hon'ble Judges : Anjana Prakash, J

Bench : Single Bench

Judgement

Anjana Prakash, J.—The Appellant No. 1 has been convicted u/s 307 I.P.C. and sentenced to rigorous imprisonment for 5 years whereas the rest of the Appellants have been convicted u/s 307/144 I.P.C. and sentenced to rigorous imprisonment for 4 years. All the Appellants have further been convicted u/s 144 I.P.C. and sentenced to 6 months and 7 days rigorous imprisonment u/s 341 I.P.C.

2. The case of the prosecution is that on 26.10.1985 at about 10 p.m. accused persons chased the informant and accused Ekram Singh (deceased) It fired twice on him whereas the Appellant No. 1 also fired once at which the informant jumped into a ditch and saved himself.

3. During trial the prosecution examined 6 witnesses out of whom P.W. 1 is the wife of the informant whereas P.W. 5 is a formal witness P.W. 4 has been declared hostile, P.W. 6 is the Investigating Officer of the case, P.W. 2 and 3 are the son and father of the informant. The informant himself was not examined because he had died in the meanwhile. Admittedly all the material witnesses are family members of the informant and apart from the statement that they had seen the Appellant No. 1 firing on the informant admittedly no injury was found to him and it is difficult to conclude that in fact situation an offence u/s 307 I.P.C. is made out in the facts of the case.

4. Further P.W. 1 has contradicted herself by admitting that she was not an eye-witness to the occurrence nor has any means of identification being produced by the prosecution to sustain the identification of the Appellants.

5. In view of the aforesaid discussions, the appeal is the order of conviction and sentence passed against the Appellants by the learned 9th Additional District Judge, Bhojpur, Arrah in S.T. No. 426/1987 by the judgment dated 14.6.1995 are hereby set aside and they are acquitted of their respective charges. The Appellants are discharged from the liabilities of their respective bail bonds.