

(2011) 04 PAT CK 0089

In the Patna High Court

Case No : Criminal Appeal (SJ) No. 50 of 1995

Sant Lal Mandal, Prayag Mandal, Deep Narayan Mandal and
Jai Kant Mandal

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 29-04-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 149, 436

Citation : (2011) 04 PAT CK 0089

Hon'ble Judges : Anjana Prakash, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Anjana Prakash, J.—The Appellant Nos. 1, 3 and 4 have been convicted u/s 436 I.P.C. and sentenced to rigorous imprisonment for 10 years whereas the Appellant No. 2 has been convicted u/s 436/149 I.P.C. also sentenced for 10 years rigorous imprisonment by the judgment dated 2.5.1995 passed in Sessions Trial No. 455 of 1986 by the learned 7th Additional Sessions Judge, Bhagalpur.

2. The case of the prosecution is that on 21.8.1984 in the process of delivery of possession of a certain piece of property, the three accused set fire to the residential house of Narain Mandal and Chaturi Mandal.

3. The prosecution examined 6 witnesses out of whom P.W. 4 is tendered and P.W. 6 is the Investigating Officer, P.W. 5 is the informant and P.W. 1, 2 and 3 are supporting witnesses.

4. The defence has examined one witness (Narain Mandal) on its behalf who stated that his house was adjacent to the house of Chaturi Mandal and in fact Chaturi Mandal house had caught fire from his furnace since in the First Information Report itself the case of the informant i.e. Chaturi Mandal is this that his house as well as the house of Narain Mandal had been burnt by the accused persons and the said Narain Mandal completely contradicted this story. I am not

inclined to accept the prosecution case as having been proved beyond all reasonable doubt.

5. In the result, the appeal is allowed and the order of conviction and sentence passed against the Appellants by the learned 7th Additional Sessions Judge, Bhagalpur in Sessions Trial No. 455 of 1986 by the judgment dated 2.5.1995 are hereby set aside and they are acquitted of their respective charges. The Appellants are discharged from the liabilities of their respective bail bonds.