

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.22 of 2015

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Harihar Sao, Son of Late Saukhi Sao, resident of Village- Ambari, P.S.:
Sheikhopur Sarai, District- Sheikhpura.

.... Appellant/(Complainant)

Versus

1. The State of Bihar.

2. Mahendra Singh

3. Geeta Singh.

Sons of Late Rameshwar Singh.

4. Sanjay singh.

5. Mukesh singh.

Sons of Mahendra Singh.

6. Sarwan Sao, son of Late Chhotu Sao.

7. Rabindra Singh, Son of Lakhan Singh.

8. Ganesh Sao, Son of Sarwan Sao.

9. Prahlad Sao, Son of Late Saryug Sao.

All residents of Village-Ambari, P.S. Sheikhopur Sarai, District-
Sheikhpura.

.... Respondents/(Accused).

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Appearance :

For the Appellant : Mr. Syed. Rizwanul Haque, Advocate.

For the Respondent : Mr. Smt.Abha Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 22-06-2015 Heard learned counsel for the appellant and learned
counsel for the State.

This is a petition for Special Leave to Appeal filed by
the complainant for setting the order or acquittal dated 02.03.2015
in Complaint Case No. 189 (C) of 2008/T.R. No. 22 of 2015
passed by Shri Rajeev Ranjan Singh, Judicial Magistrate, 1st
Class, Sheikhpura, by which he acquitted the accused persons
under Sections 147, 323, 341, 354 and 379 of the Indian Penal
Code.

The prosecution case as alleged that on 24.02.2008, while accused persons started constructing boundary wall over the vacant land of complainant, then complainant and his wife protested, upon which accused persons tried to outrage the modesty of the wife of the complainant by pulling her saree. It is further alleged that accused persons entered into his house and assaulted children, daughter and daughter-in-law of the complainant and ousted them from the house. It is further alleged that on the order of accused Mahendra Singh, accused persons Sanjay Singh, Geeta Singh and Mukesh took away steel box containing jewellery, clothes, documents and Rs. 10,000/-.

However, defence set up that no occurrence as alleged took place. Even false case has been instituted to pressurised the accused persons.

The trial court acquitted the appellant on consideration that no independent witness came to support the prosecution case and the witnesses examined are only the complainant, his wife and daughter-in-law but none depose who assaulted to whom and the title suit filed by the complainant with regard to land was dismissed by Munsif, Sheikhpura, which was upheld Hon'ble High Court and further took in consideration that specific name of the article looted has not been mentioned in

evidence and there is delay of 15 days in lodging the case.

Hence the reasons giving by the trial court is well being discussed while acquitting the accused persons. In the light of the fact and circumstances of the case, I do not find any merit to grant Special Leave to Appeal and accordingly, the same is dismissed.

m.p.

(Gopal Prasad, J)

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