

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.906 of 2014

Arising Out of PS.Case No. -188 Year- 2009 Thana -NASRIGANJ District- SASARAM (ROHTAS)

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Chuli Bhagat @ Chunni Bhagat, Son of Ram Bachan Bhagat, Resident of
Village- Sukahara Dihri, P.S.- Nasriganj, District- Rohtas.

.... Appellant/s

Versus

1. The State of Bihar
2. Lahaso Devi, Wife of Arjun Bhagat
3. Punam Kumari, daughter of Arjun Bhagat
4. Arjun Bhagat, son of Late Ram Safil Bhagat
5. Papoo Bhagat, son of Arjun Bhagat
6. Ashok Bhagat son of Arjun Bhagat
7. Sunil Bhagat son of Arjun Bhagat

Respondents No. 2 to 7 are Resident of Village- Sukahara Dihri, P.S.-
Nasriganj, District- Rohtas.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Subash Kumar, Adv.
For the Respondent/s : Mr. S.C. Mishra (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

4 09-01-2015 Heard learned counsel for the appellant and

learned counsel for the respondents.

Informant of Nasriganj P.S. Case No. 188 of
2009 has filed this appeal assailing the Judgment dated
22.08.2014 passed by Adhoc Additional Sessions Judge-IV,
District – Rohtas at Sasaram in S.T. Case No. 257 of 2010,
wherein private respondent nos. 2 to 7 have been acquitted of

the charge under Sections 147, 341, 323, 307, 149, 379 and 315 of the Indian Penal Code.

The prosecution case, as set out in the First Information Report, is that on 12.09.2009 around 7.30 P.M. Ashok Bhagat was sleeping near a well, where the informant came and asked him as to why he was sleeping near the well which led to altercation. Ashok Bhagat and other male members of his family assaulted the informant. In order to save the informant, Nirasha Devi, his sister came to the place of occurrence, who was assaulted by the two lady members of the Ashok Bhagat family namely Lahaso Devi and Punam Kumari. It is said that Nirasha Devi gave birth to still born child.

From the evidence of Doctor, as discussed in paragraph no.17 of the Judgment, it is quite evident that Nirasha Devi delivered a normal child on 20.09.2009. In the circumstances, the claim of the prosecution that Nirasha Devi had to abort on 13.09.2009 is wholly false and such fact has been found by the Trial Court in paragraph no.17 of the Judgment.

In view of the aforesaid finding of the trial Court, we are not inclined to interfere with the Judgment, as

we are satisfied that the prosecution has levelled wholly false and imaginary allegations against the private respondents.

The Criminal Appeal is, accordingly, rejected.

(V.N. Sinha, J.)

(Rajendra Kumar Mishra, J.)

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