

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.13 of 2015

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Saroj Devi Wife of Manohar Singh, Resident of Village - Malaypur, Police Station Barhat, District - Jamui.

.... Appellant

Versus

1. The State of Bihar.
2. Ravindra Singh @ Ravidra Kumar Singh,
3. Murari Singh, Both Sons of Sri Krit Narayan Singh resident of village Malaypur, Police Station - Barhat, District - Jamui.

.... Respondents

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Appearance :

For the Appellant : Mr. Brajesh Sahay, Advocate
Mr.A.J.Bahadur, Advocate

For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 23-04-2015 Heard learned counsel for the appellant and learned APP
for the State.

2. The present appeal has been preferred against the judgment and order dated 22.1.2015 passed by Sri Kishore Prasad, learned 4th Additional District and Sessions Judge, Jamui in Complaint Case No. 480 (c) of 2005/S.T. No. 70 of 2008/S.T. No. 316 of 2014 by which the learned Court below has acquitted the OP Nos. 2 and 3 for the charges framed under Section 376/511 IPC.

3. According to the prosecution case, the complainant was sleeping with her daughter, with the door of her room open and two of her relatives, namely Raju Singh and Ratan Singh, were sleeping on the roof of the building. On being awakened by



some noise at around 1.00 A.M. in the night, she saw the opposite party nos. 2 and 3 sitting on her cot and on alarm being raised by her, she was molested at the point of pistol and opposite party no.2 tried to commit rape upon her. However, the complainant's daughter Soni woke up, and opened the door when the opposite party nos. 2 and 3 fled away and were seen leaving by Raju Singh and Ratan Singh.

4. It is submitted on behalf of the petitioner that the accused persons ought not to have been acquitted for the offences under Section 376/511 IPC by giving them benefit of doubt as the PW-1 being the complainant/victim has duly supported her case in her examination in chief during trial.

5. A perusal of the impugned judgment shows that the same has been passed after detailed consideration of the matter and after weighing the evidence of the witnesses. The learned Court has referred to material discrepancies during examination of the PW-1 and has also taken note that the accused persons are the elder brothers of the complainant's husband with whom there was pre-existing land dispute since 1997. The learned court below has given cogent reasons to conclude that the prosecution has failed to prove the charges levelled against the accused beyond any doubt. The reasons given by the Trial Court are neither erroneous nor

perverse.

6. Having regard to the entirety of the facts and circumstances of the case, I find no reason to grant leave to appeal. Accordingly, the application for leave to appeal is refused and the same stands dismissed.

(Vikash Jain, J)

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