

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.694 of 2015

Arising Out of PS.Case No. -80 Year- 2010 Thana -HARIZAN District- BEGUSARAI

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Hari Lal Paswan, Son of Late Suraj Paswan, Resident of Village - Thuthi,
P.S. - Choutham, District - Khagaria.

.... Appellant/s

Versus

1. The State of Bihar
2. Niranjana Bhagat, Son of Late Uttam Bhagat,
3. Lalit Bhagat, Son of Niranjana Bhagat,
4. Munna Bhagat, Son of Niranjana Bhagat,
5. Pappu Bhagat, Son of Niranjana Bhagat,
6. Shiv Shankar Bhagat, Son of Late Rameshwar Bhagat,
7. Siya Ram Thakur, Son of Late Khakharu Thakur, All Resident of
Village Thuthi, P.S. - Choutham, District - Khagaria.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mr. Sujeet Kr.Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 02-12-2016 This appeal under the proviso to Section 372 of the Code of Criminal Procedure, 1973 has been preferred against the judgment and order dated 10.09.2015 passed in Sessions Trial No. 401 of 2011 by learned 1st Additional Sessions Judge, Khagaria in Sessions Trial No. 401 of 2011 arising out of Begusarai SC/ST P.S. Case No. 80 of 2010, G.R. No. 509/2010 whereby he has recorded acquittal of respondents No. 2 to 7. The said respondents No. 2 to 7 stood charged of the offence punishable under Sections 323/149, 341/149 and Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Briefly narrated, case of the prosecution is that the informant being the husband of Mukhiya of Thuthi Mohanpur Gram Panchayat had accompanied his wife while going to Chautham in a motorcycle on 20.04.2010. They were carrying a sum of Rs. 2,25,000/- be deposited it in a Bank, for payment of loan taken by him against a tractor which was seized by the Manager of the Union Bank of India, Chautham due to default of payment of loan. He alleged that when he reached near the house of opposite party No. 2, other persons stopped him. Thinking that they will be discussing with the appellant, some panchayat matter, he stopped. They however, started abusing the informant and assaulting him. The respondents are said to have taken his caste name also while abusing. They are also said to have taken away snatched the entire amount of Rs. 2,25,000/-.

Learned counsel appearing on behalf of the appellant has submitted that the impugned judgment and order is completely erroneous and the findings are perverse, contrary to evidence on record.

At the trial, prosecution witnesses were examined. Learned trial court after having considered the evidence of prosecution witnesses and other materials on record reached a conclusion that the informant/appellant failed to disclose the



source of the said amount of Rs. 2,25,000/- which he was said to be carrying. Secondly, the trial court noticed apparent material contradictions in the evidence of the witnesses and accordingly giving the accused persons benefit of doubt, recorded acquittal by the judgment and order under appeal.

I do not find any perversity in the findings so recorded by the court below requiring this Court's interference in an appeal against acquittal.

I do not find any merit in this appeal, which is accordingly dismissed, at the stage of admission itself.

(Chakradhari Sharan Singh, J)

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