

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1123 of 2016

Arising Out of PS.Case No. -49 Year- 1989 Thana -NAUBATPUR District- PATNA

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Braj Bhushan Upadhyay Son of Rajendra Upadhyay, resident of Village-
Dabarchak, Police Station- Naubatpur, District- Patna.

.... Appellant

Versus

1. The State of Bihar.
2. Shashikant Upadhyay S/o Nawal Kishore Upadhyay, Resident of Dabar
Chak, P.S. Naubatpur, District- Patna.
3. Chotan Upadhyay S/o Ram Ratan Upadhyay, Resident of Village-
Dabarchak, P.S. Naubatpur, District- Patna.

.... Respondents

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Appearance :

For the Appellant : Mr. Rajendra Nath Jha, Advocate.

For the Respondents : Mr. Dilip Kumar Sinha (APP)

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH**

and

**HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

2 09-12-2016 This appeal is against acquittal as recorded by the trial

court in respect to the offence under section 395 of the Indian

Penal Code against two respondents.

The trial court has noticed that as per allegation seven
to eight dacoits entered into the house of the informant, articles
were looted and ran away. The daughter-in-law, allegedly,
recognized one of them who is respondent no.2. It is also alleged
that all the miscreants were covering their faces. The trial court
has noticed that there are previous litigations including section 107



proceeding between the named accused and the informant who are known to each other. Taking this fact into consideration, the trial court has given benefit of doubt about their implication in the incident.

We see no reason to take a different view. Accordingly, this appeal is dismissed.

(Navaniti Prasad Singh, J)

Abhay/-

(Jitendra Mohan Sharma, J)

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