

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (DB) No.779 of 2016

Arising Out of PS.Case No. -48 Year- 2014 Thana -PANCHRUKHI District- SIWAN

Sudhakar Ojha, son of Late Triloki Nath Ojha, resident of village- Gamhariya, P.S.- Pachrukhi, District- Siwan.

.... Appellant.

Versus

1. The State of Bihar.
2. Abhishek Kumar Ojha @ Sonu @ Abhishek Ojha, son of Nagendra Ojha @ Buchan, resident of village- Gamhariya, P.S.- Pachrukhi, District- Siwan,

.... Respondents.

Appearance :

For the Appellant : Mr. Arbind Kumar, Advocate.

For the State : Mr. Mayanand Jha, A.P.P.

CORAM:HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH)

Date: 18-08-2016

The instant appeal is directed against the Judgment dated 27.06.2016 passed by the 5th Additional Sessions Judge, Siwan, in Sessions Case No.248 of 2014 (CIS No.170 of 2014), whereby the Respondent No.2 has been acquitted of the charge under Section 364 of the Indian Penal Code.

2. P.W.3 Sudhakar Ojha, the informant, has alleged in his fardbeyan that the accused persons including the Respondent No.2 entered his house through the roof in the night and with the help of some intoxicated substance, kidnapped his grand daughter, Pooja Kumari.

3. On going through the impugned Judgment, we find that the

trial court held that the informant (P.W.3) as well as P.W.5 not reliable. The trial court after considering the evidence of the witnesses, available on the record, observed that once the informant had seen the accused persons taking away his grand daughter, Pooja Kumari, thereafter, the case of the informant that he began to look for her in the house seems impalatable. Further more, the prosecution has not brought anything on record in support of its case that the accused persons entered his house and the roof.

4. We find that the trial court has discussed the evidence of the witnesses, available on record, in detail and, thereafter, acquitted the accused-Respondent No.2 of the charge under Section 364 of the Indian Penal Code.

5. We do not find any infirmity in the order of the trial court in acquitting the accused-Respondent No.2 of the charge under Section 364 of the Indian Penal Code, the appeal is, accordingly, dismissed.

(Samarendra Pratap Singh, J)

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
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