

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1291 of 2017

Arising Out of PS.Case No. -612 Year- 2007 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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Ravi Shankar Dubey, son of Late Chandrabhan Dubey, Resident of
Mohalla- Haluai Tola (Kali Asthan), Bagha, P.S.- Bagha, District- West
Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

2. Pradeep Kumar Gupta @ Kaju, son of Sadhu Halwai, Resident of
Mohalla- Halwai Tola (Kali Asthan), Bagha, P.S.- Bagha, District- West
Champaran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Mishra, Adv.

For the Respondent/s : Mr. Sri Binod Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 19-06-2017

Heard learned counsel for the appellant as well as
learned Special Public Prosecutor.

Informant, who himself is not an eyewitness to
occurrence had filed written report disclosing therein that on
27.11.2007 at about 5.30 AM his daughter Manita @ Reena was
deceitfully taken away by Pradeep Kumar Gupta @ Kaju
(respondent no.2) and further, it has also been incorporated therein
that his brother Raju Prasad Gupta had sent the girl his brother
Pradeep Kumar Gupta @ Kaju outside over tempo and in course
thereof, the witnesses have seen, who also disclosed her to be in
unconscious stage. From the judgment impugned, it is evident that
neither the Investigating Officer nor the victim has been



examined. Learned counsel for appellant has submitted that victim was not examined on account of her death. With regard to non-examination of Investigating Officer, it has been submitted that was on account of lapses on the part of the prosecution.

The age of the victim was not at all disclosed in the written report but from para-11 of informant (PW.5) he had disclosed the date of birth of victim as 21.07.1986 so on the alleged date of occurrence that means to say 27.11.2007 she was major. Furthermore, considering the evidence of Shakuntala Devi, mother of the victim, it is evident that she happens to be consistent over her initial version to have allowed Manita to go along with Rohan to his place but her subsequent conduct did not justify the occurrence as alleged because of the fact that even being next door neighbour she has not seen victim being taken away by the respondent no.2/accused as well as from the deposition of the other PW, it is evident that victim Manita along with Pradeep Kumar Gupta @ Kaju themselves sat in tempo in cordial way.

That being so, instant appeal lacks merit and is accordingly rejected.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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