

IN THE HIGH COURT OF JUDICATURE AT PATNA
Govt. Appeal (DB) No 7 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- MUNGER

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The State of Bihar

.... Appellant/s

Versus

Md Munna @ Mukesh Yadav S/o Md Taiyab resident of mohalla - Topkhana
Bazar, P.S. - Kotwali, District - Munger.

.... Respondent/s

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE MR JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 23-02-2017

Delay in filing the appeal is condoned.

IA No 379 of 2017 stands disposed of.

Heard the learned counsel for the State in support of this
Government Appeal and perused the judgment. We see no reason to
interfere.

The accused was charged for an offence under Sections
376, 354 and 420 of Indian Penal Code and the trial Court has rightly
acquitted him. The prosecution story is that the informant claims that
she had lodged a Sanha at the Jamalpur Police Station regarding the
disappearance of her husband. Thereafter the accused, posing as an
Officer-in-charge of Jamalpur PS, befriended her and used to
frequently visit her, spend the night on the plea that he would arrange



a job for her daughter. He took the daughter also alone. She alleges that he had, thus, raped her daughter. The trial Court has considered her evidence as PW 1 and clearly found that there was no element of rape so far as this witness is concerned. It was clearly a consensual sexual intercourse. So far as the daughter of the informant is concerned, she has been examined as PW 2 and she has clearly admitted that all that the accused person did, he held her hands and nothing beyond that.

In view of the aforesaid, we find no reason to interfere.
This appeal is dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Vikash Jain, J)

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