

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.2 of 2018

Arising Out of PS. Case No.-322 Year-2006 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Rahul Kumar, Son of Late Rana Pratap Singh, Resident of Village- Nasirna,
P.S.- Kurtha, District- Arwal.

... .. Petitioner/s-Appellant/s

Versus

1. The State of Bihar.
2. Chandra Bhushan Singh, Son of Ram Naresh Singh,
3. Himanshu Shekhar Singh, Son of Chandra Bhushan Singh,
4. Ajmer Singh, Son of Chandra Bhushan Singh,
5. Kusum Devi, Wife of Chandra Bhushan Singh,
6. Shashi Devi, Wife of Himanshu Shekhar Singh,
7. Anuradha Devi, Wife of Ajmer Singh,
All resident of Village- Nasirna, P.S.- Kurtha (OP Manikpur), District-
Arwal.

... .. Opposite Party/s-Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.
For the State : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 22-11-2018 The petitioner (proposed appellant) seeks grant of leave for preferring an appeal against the judgment and order of acquittal dated 23.11.2017 passed by the learned Judicial Magistrate-Ist Class, Arwal in connection with Trial No. 329 of 2017 arising out of Complaint Case No. CR 322 of 2006.

An occurrence is said to have taken place when the petitioner (complainant) tried to restrain the opposite parties from constructing a temporary house over a plot of land over which Title suit was pending.



The Trial Court after having gone through the deposition of the witnesses found that C.W. 1 was a hearsay witness, whereas C.Ws. 2 and 3 had made contradictory statements with respect to the occurrence.

The petitioner/complainant did not appear before the Court below as a witness and, therefore, the complaint petition also could not be proved. On the other hand, the documents exhibited by the opposite party No. 2 inspired confidence.

Considering the aforesaid facts, the Trial Court recorded a finding of acquittal.

This Court does not deem it appropriate to differ with the judgment and order of the Trial Court.

Leave is declined.

This petition is, accordingly, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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