

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**SLA No.14 of 2017**

Arising Out of PS. Case No.-154 Year-2010 Thana- PATNA  
COMPLAINT CASE District- Patna

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Rudo Devi W/o- Arun Mistri, Resident of Village- Milkichak, P.S.-  
Athmalgola, District- Patna, Presently residing at- C/o- Dr. Rajesh  
Kumar, Shanti Tola, P.S.- Barh, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Singh, S/o Late Misri Singh
3. Sunil Singh, S/o Upendra Singh
4. Sushil Singh, S/o Upendra Singh All Resident of Mohalla- Kazichak,  
Behind A.N.S. High School, P.S.- Barh, District- Patna.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Anjani Kumar Mishra, Adv  
For the Respondent/s : Mr. Sri Shyed Ashfaque Ahmad

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
ORAL ORDER

4     22-11-2018                      The petitioner (proposed appellant) seeks grant of  
  
leave for preferring an appeal against the judgment and  
  
order of acquittal dated 22.12.2016 passed by the learned  
  
Additional Chief Judicial Magistrate, II, Barh, Patna in Case  
  
No. C/154 of 2010, whereby the accused persons  
  
(respondents) were acquitted of the charges under Sections  
  
323, 341, 385, 447, 427, 504 of the Indian Penal Code.

It appears that respondents were charged for the



offences under Sections 323, 341, 385, 447, 427 and 504 of the Indian Penal Code. The Trial Court, after going through the deposition of five prosecution witnesses came to the conclusion that none of the offences could be said to have been made out.

With respect to the offence under Section 341 of the Indian Penal Code, the Trial Court has positively held that there is no allegation in the complaint petition or in the deposition of the witnesses that the petitioner (proposed appellant) was put in any unlawful restraint for any time.

So far as the offence under Sections 323 and 447 of the Indian Penal Code is concerned, the witnesses have made discrepant statements, making the entire prosecution case false.

The Trial Court has further refused to accept the submissions of the petitioner with respect to the allegation under Section 385 of the Indian Penal Code on the ground that there was a land dispute which was evident from the allegations made in the case.

The charge under 427 of the Indian Penal Code



also could not be substantiated.

For the aforesaid reasons, the Trial Court returned  
the finding of acquittal.

No interference is called for with a well reasoned  
judgment.

Leave is declined.

The petition is dismissed.

**(Ashutosh Kumar, J)**

Shageer/-

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