

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.41 of 2018

Arising Out of PS. Case No.-850 Year-2001 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Jay Prakash Yadav Son of Late Baleshwar Yadav, resident of Bari Khanjarpur,
Police Station- Barari, District- Bhagalpur.

... .. Appellant.

Versus

1. The State Of Bihar.
2. Maini Devi, Wife of Late Dorki Choudhary.
3. Ranjeet Choudhary, Son of Late Dorki Choudhary.
4. Manoj Choudhary, Son of Late Dorki Choudhary.
All residents of Bari Khanjarpur, Police Station- Barari, District- Bhagalpur.

... .. Respondents.

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Appearance :

For the Appellant	:	Mr. Praveen Kumar, Advocate.
For the State	:	Mr. Zeyaul Hoda, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT
Date : 08-08-2019

Heard learned counsel for the appellant and the
learned Additional Public Prosecutor for the State.

2. This Special Leave to Appeal has been filed by
the appellant under Section 378 (4) of the Code of Criminal
Procedure, seeking leave to file appeal against the Judgment
dated 02.07.2018 passed in Sessions Trial No.881 of 2006/Trial
No.296 of 2017, arising out of Complaint Case No.850 of 2001,
whereby and whereunder, the 7th Additional Sessions Judge,
Bhagalpur, acquitted the respondent nos.2 to 4 of the charge
framed against them under Section 364 of the Indian Penal Code



and ordered the complainant/appellant to pay fine Rs.20,000/- to the respondent no.2, namely, Maini Devi, within two months, failing which proceeding under Sections 182 and 211 of the Code of Criminal Procedure shall be initiated for realization of the fine as per law against the complainant/appellant.

3. From perusal of the impugned Judgment, It appears that the 7th Additional Sessions Judge, Bhagalpur, on perusing the materials and the evidence, available on the record, arrived at the conclusion that the prosecution has not been able to prove its case against the respondent nos.2 to 4, and they being the members of the Scheduled Castes and Scheduled Tribes have falsely been implicated in the said complaint case only to torture and harass and, accordingly, acquitted the respondent nos.2 to 4 of the charge framed against them under Section 364 of the Indian Penal Code and ordered the complainant/appellant to pay fine Rs.20,000/- to the respondent no.2, namely, Maini Devi, within two months, failing which he will be proceeded under Sections 182 and 211 of the Indian Penal Code with realization of fine as per law.

4. I do not find any reason to interfere into the impugned Judgment and to allow this Special Leave to Appeal.

5. Accordingly, this Special Leave to Appeal stands



dismissed.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2019.
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