

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 12 of 2018

Arising Out of P.S. Case No.-41 Year-2010 Thana- KARAKAT District- Rohtas

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Nand Kumar Tiwari, Son of Late Kashinath Tiwari, Resident of Village-
Mangara, P.S.- Karakat, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Raja Ram Yadav.
3. Shiv Raj Yadav (Since dead)
4. Bhaiya Singh Yadav, All three Sons of Buchul Singh Yadav.
5. Santosh Yadav, Son of Bhaiya Singh Yadav.
6. Ghamouri Yadav, Son of Samhut Yadav, All 2 to 6 are Resident of Village-
Chiksil, PS. Karakat, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Opposite Party/s	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 01-08-2019

Nobody appears on behalf of the petitioner. Learned
APP for the State and learned counsel for the opposite parties no.
2, 4, 5 and 6 have been heard.

2. The present application has been filed by the
petitioner under Sections 397 and 401 of the Code of Criminal
Procedure, 1973, for setting aside the judgment and order dated



08.11.2017 passed in Criminal Appeal No. 12 of 2015, by the Sessions Judge, Rohtas at Sasaram by which the same has been allowed and the judgment and order of conviction and sentence dated 13.02.2015, passed in G R Case No. 209 of 2010, Tr. No. 966 of 2015, arising out of Karakat PS Case No. 41 of 2010 has been set aside.

3. The petitioner is the informant of Karakat PS Case No. 41 of 2010. The allegation in the FIR against the opposite parties no. 2 to 6 was of assault and snatching away cash, watch and mobile worth more than Rs. 10,000/-.

4. Upon trial, the Judicial Magistrate, Ist Class, Bikramganj convicted and sentenced the accused. However, on appeal they have been acquitted.

5. Having considered the facts and circumstances of the case and submissions of learned counsel and having gone through the judgments of the appellate Court and the trial Court this Court finds that the order passed by the appellate Court acquitting the accused is based on sound appreciation of the evidence as the inference drawn from the same are also logical for coming to the conclusion that the prosecution has not been able to prove its case beyond reasonable doubts. This Court is in agreement with the



reasoning given and view taken by the appellate Court, and, thus,
the same does not warrant any interference.

6. Accordingly, the application stands dismissed.

7. The lower Court Records be returned forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

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