

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.803 of 2018

Arising Out of PS. Case No.-129 Year-2004 Thana- SILAO District- Nalanda

Lochan Yadav @ Luchan Gop Son of Late Saudi Yadav, Resident of Village-
Dumri, Police Station- Rajgir, District- Nalanda.

... .. Appellant

Versus

1. The State Of Bihar
2. Indradeo Yadav, Son of Late Khublal Yadav, Resident of Village- Dumri,
Police Station- Rajgir, District- Nalanda.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Vibhuti Ranjan Sonvadra, Adv.
For the Respondent/s : Mr. Ajay Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)**

Date : 30-04-2019

Heard learned counsel appearing for the appellant as well as learned Additional Public Prosecutor for the State on the point of admission and perused the record. In our view, this appeal can be disposed of on admission stage itself.

The appellant is aggrieved by the impugned judgment of acquittal dated 16.05.2018 passed by learned Presiding Officer, F.T.C-I, Nalanda, Bihar Sharif in Sessions Trial No. 749 of 2005 by which and whereunder, he acquitted the respondent no. 2 from the charge framed against him for the offence punishable under Section 364 of the Indian Penal Code.



The perusal of impugned judgment goes to show that the learned trial court after marshaling the entire prosecution evidence doubted about the genuineness of prosecution story and accordingly, acquitted the respondent no. 2 from the charge framed against him.

The perusal of record goes to show that the appellant lodged Silao P. S. Case No. 129 of 2004 against the respondent no. 2 and others for the offence punishable under Section 364 of the Indian Penal Code on the accusation that respondent no. 2 and others kidnapped his minor son. In course of trial, the witnesses examined on behalf of the prosecution claimed that Nitu Kumari and Kumari Devi took the victim from his house and furthermore, some witnesses claimed to have seen the respondent no. 2 and others taking away the victim on the alleged date of occurrence but learned trial court doubted the claim of aforesaid prosecution witnesses on the ground that first information report was lodged in respect of so-called kidnapping after 18 days and between the aforesaid period, the prosecution witnesses, who claimed to have seen the respondent no. 2 and others taking away the victim, did not disclose the aforesaid fact before the informant and furthermore, the learned trial court noticed that the appellant as well as material prosecution witnesses were accused in case of



kidnapping of son of co-accused Hargovind Yadav. The learned trial court after taking all the above stated circumstances into consideration, passed the judgment of acquittal which does not need any interference by this appellate court and, accordingly, this criminal appeal stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

(Partha Sarthy, J)

shahzad/-rajeev

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