

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.41 of 2019

Arising Out of PS. Case No.-2001 Year-2015 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

=====

Nagendra Prasad Singh @ Narendra Prasad Singh Son of Mahatam Singh
Resident of Janakpuriya, P.S.- Chauri, District- Bhojpur. At present resident of
House No. 114, D.M. Kothi Road, P.S.- Nawada Ara, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinay Kumar Singh Son of Late Ramdeo Sharma Resident of Janakpuriya,
P.S.- Chauri, District- Bhojpur

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Makardhwaj Upadhyay
For the Respondent/s : Mr. Zeyaul Hoda

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 09-12-2019 This is an application under Sections 378(4) of the

Code of Criminal Procedure for Special Leave to Appeal against
the judgment of acquittal dated 20.02.2019 passed in Complaint
Case No.2001C of 2015 by Mr. Amit Kumar Singh, Additional
Chief Judicial Magistrate-12, Ara whereby the learned Judge
has acquitted Opposite Party No.2 ((Vinay Kumar Singh) from
the charges under Sections 323 and 379 of the Indian Penal
Code.

Allegation against Opposite Party No.2(Vinay Kumar
Singh) in the complaint petition is that he broke open the door
of the house of the complainant, taking advantage of the
situation that complainant normally resides at Ara along with his



family members. Further allegation is that the Opposite Party No.2 (Vinay Kumar Singh) committed theft and when complainant reached, he found Opposite Party No.2 inside the room along with two others. Thereafter, occurrence of assault and demand of ransom is alleged.

The learned Judge doubted the prosecution case on the ground that Opposite Party No.2 (Vinay Kumar Singh) is full brother of the petitioner and there is no evidence of partition of joint family property or the fact that the house was exclusive property of the complainant. Moreover, one witness who was examined before charge did not appear for further cross-examination after charge, hence, his evidence was not considered.

Since doubt of the learned trial Judge is based on material on the record and after appreciation of evidence, I do not find that the judgment of the trial Court is fit to be interfered with. Hence, this application for Special Leave to Appeal is dismissed as devoid of merit.

(Birendra Kumar, J)

B.Kr./-

U		T	
---	--	---	--

