

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.929 of 2019

Arising Out of PS. Case No.-14 Year-2013 Thana- MAHILA P.S. District- Rohtas

Pinki Kumari, aged about 39 years, Gender-Female, Daughter of Tilakdhari Singh Resident of S.O.B-17, Dalmiyanagar, P.S.-Dehri (Dalmiyanagar), District-Rohtas.

... .. Appellant

Versus

1. The State of Bihar
2. Ram Badan Singh, aged about 72 years, Gender-Male, Son of Late Manraj Singh Resident of Prayag Bigha, P.S.-Dehri (Dalmiyanagar), District-Rohtas.
3. Md. Asmad Habib, aged about 34 years, Gender-Male, Son of Ahbib Rajman Resident of Mohalla-Idgah, P.S.-Dehri, District-Rohtas.

... .. Respondent/s

Appearance :

For the Appellant : Mr. Satyapal Singh, Advocate
For the Respondents : Mr. Manish Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

3 15-11-2019 Heard learned counsel for the appellant and learned counsel for the State.

2. In this case, the appellant is challenging the judgment of acquittal dated 30.05.2019 passed by the Fast Track Court-I, Rohtas at Sasaram in connection with Sessions Trial No.122 of 2014 of Opposite Party Nos.2 and 3.

3. As per the prosecution case, on the fateful date, the informant, namely, Pinki Kumari along with her sister had gone to an establishment created by his father, i.e., Amit ITC,



New Singhauli, Ward No.2, Dalmiyanagar and when she entered into the office, accused person, namely, Rambadan Singh asked her to leave the room and he abused her and pushed her down from the chair. Thereafter, one Md. Asmad Habib tore her cloths and tried to outrage her modesty. Accused Ashok Singh hurled abuses to her, whereupon accused Rambadan Singh pulled her hair and dragged her out from the gate of the premises.

4. The prosecution, in support of the case, has examined altogether eight witnesses and got exhibited certain documents. It has doubted the veracity of the statements of the prosecution witnesses. Admittedly, the above litigation is with the father of the informant with respect to the same ITC. As per the claim of the present appellant, the litigation is going on. The court below has doubted the correctness of the allegation on the score that the informant was employed as a teacher in the Rampayari Girls High School, Darihat, five kilometers away from the house. She took leave on the fateful day on account of her illness and consulted doctor Jain who prescribed her some medicine, wherefrom she returned to the house. Thereafter, the informant went to the ITC premises along with her sister thereafter, the scuffle as alleged took place. The informant has, however, failed to produce any document or receipt to show that she had



visited the doctor for her ailment.

5. Learned Additional Public Prosecutor representing the respondents on the other hand supports the impugned judgment of acquittal arguing that the same is well discussed judgment.

6. Having heard the contentions of both the parties and considering all aspects of the materials available on the record, we do not find any perversity in the impugned judgment of acquittal. Accordingly, this criminal appeal is dismissed.

(Shivaji Pandey, J)

(Prabhat Kumar Singh, J)

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