

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.84 of 2018**

Arising Out of PS. Case No.-94 Year-2017 Thana- PATORI District- Samastipur

Pinki Devi, Wife of Mukesh Chaudhary @ Pam Pam Chaudhary, Resident of village- Sahdai, Police Station- Sahdai, District- Vaishali at Hajipur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

with

CRIMINAL APPEAL (DB) No. 82 of 2018

Arising Out of PS. Case No.-94 Year-2017 Thana- PATORI District- Samastipur

Anil Kumar Rai @ Birbal @ Anil Kumar @ Anil Ray, S/o Shatrudhan Rai, resident of Village- Sarari, P.S.- Patori, O.P.- Mohanpur, District- Samastipur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance:

(In CRIMINAL APPEAL (DB) No. 84 of 2018)

For the Appellant : Mr. Ajay Kumar Thakur, Advocate
Mr. Imteyaz Ahmad, Advocate
Mr. Malay Kumar Chaudhary, Advocate
Mr. Vaishnavi Singh, Advocate
Mr. Shivam, Advocate

For the Respondent : Mr. Abhimanyu Sharma, APP

(In CRIMINAL APPEAL (DB) No. 82 of 2018)

For the Appellant : Mr. Niranjana Parihar, Advocate

For the Respondent : Dr. Mayanand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and**

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date: 24-11-2021

The appellants, in these two appeals, have challenged the common judgment of conviction dated 13.12.2017 and the consequent order of sentence dated 14.12.2017 passed by the learned Presiding Officer, Fast Track Court No. I, Samastipur (for the sake of convenience hereinafter



referred to as 'Trial Court') in Sessions Trial No.553 of 2017/467 of 2017 arising out of Patori P.S. Case No.94 of 2017.

2. By the aforesaid judgment dated 13.12.2017, they have been found guilty of committing offences under Sections 364-A/34 and 120-B/34 of the Indian Penal Code (for short 'IPC'). Vide the consequent order dated 14.12.2017, they have been sentenced to undergo rigorous imprisonment for life on both counts under Sections 364-A/34 and 120-B/34 of the IPC and further each of them has been ordered to pay a fine of Rs.10,000/- on both counts and in default of payment of fine, to further undergo rigorous imprisonment for one year.

3. The prosecution case is based on the written report of one Pappu Kumar Sah submitted to the Mohanpur out-post Incharge on 05.03.2017 with regard to an occurrence dated 04.03.2017.

4. In the written report, the informant has stated that his brother Tribhuwan Prasad was on his way to home after closing his hardware shop situated at Mohanpur Pathalghat Chowk. He did not reach his home in the night. A search for him was made by the family members, but they could not get any clue regarding his whereabouts. He further stated that his brother was having a dual SIM mobile phone bearing



nos.9939290370 and 7250455768. He suspected that his brother has been kidnapped by some unknown persons.

5. On receipt of the aforesaid written report, the Incharge of Mohanpur out-post forwarded the same to the Station House Officer (for short 'SHO'), Patori Police Station for institution of the first information report (for short 'FIR') on 05.03.2017.

6. After receiving the written report from the police out-post Incharge, the SHO, Patori Police Station instituted Patori (Mohanpur) P.S. Case No.94 of 2017 against unknown accused persons under Sections 364/34 of the IPC on 05.03.2017 at 2:30 p.m. and entrusted the investigation of the case to Jawahar Rai, a Sub Inspector of Police-cum-Incharge of Mohanpur out-post.

7. After completing the investigation of the case, the Investigating Officer submitted charge-sheet under Sections 364-A and 120-B/34 of the IPC on 31.05.2017 vide charge-sheet No.175 of 2017 against Anil Kumar Rai @ Birbal (appellant in Cr. Appeal (DB) No.82 of 2018) and Pinki Devi (appellant in Cr. Appeal (DB) No.84 of 2018) as well as Chandan Jha and Roshan Kumar and kept the investigation pending against other accused persons.



8. On receipt of the charge-sheet, the learned Chief Judicial Magistrate, Samastipur took cognizance of the offences against all the six charge-sheeted accused persons vide order dated 22.06.2017.

9. After taking cognizance of the offences and after complying with the mandatory requirements of Section 207 of the Code of Criminal Procedure (for short 'CrPC'), the learned Chief Judicial Magistrate, Samastipur committed the case of the four accused persons, who were in custody to the Court of Sessions for trial vide order dated 01.07.2017.

10. During trial, charges were framed against the appellants Pinki Devi and Anil Kumar Rai @ Birbal as well as two others, namely, Pintu Kumar Rai and Chandan Kumar Jha under Sections 364-A/34 and 120-B/34 of the IPC to which they pleaded not guilty and claimed to be tried.

11. In order to prove its case, the prosecution examined altogether nine witnesses. They are P.W.1 Manoj Sah, P.W.2 Akash Kumar, P.W.3 Pappu Kumar Sah, P.W.4 Dharamshila Devi (mother of the informant), P.W.5 Kiran Devi (wife of the victim Tribhuwan Prasad Sah @ Tuntun Sah), P.W.6 Jageshwar Rai (the Investigating Officer of the case), P.W.7 Tribhuwan Prasad Sah @ Tuntun Sah (victim), P.W.8 Pappu Kumar Rai and



P.W.9 Saroj Kumar Rai.

12. Apart from the ocular testimony of nine witnesses,
the prosecution got exhibited the following documents:

Sl. No.	Exhibits	Description
1.	1	Written report by the informant to the Incharge of Mohanpur out-post.
2.	1/1	Signature of the SHO Patori Police Station on the FIR.
3.	2	Forwarding of the written report by the Incharge of Mohanpur out-post to the SHO Patori Police Station for institution of the case.
4.	3	Registration of Patori (Mohanpur) P.S. Case No.94 of 2017 dated 05.03.2017 on the basis of the written report.
5.	4	Memo of arrest of the accused Jaiki Kumar Rai.
6.	4/1 to 4/4	Memo of arrest of Anil Kumar Rai @ Birbal, Pappu Kumar Sah, Chandan Jha and Pinki Devi respectively.
7.	5	Seizure list of a motorcycle of black colour bearing Registration No.33X0758
8.	5/1	Seizure list of a white Alto vehicle bearing Registration No.BR07V9012.
9.	6	Statement of the victim Tribhuwan Prasad Sah @ Tuntun Sah under Section 164 of the CrPC recorded by a Magistrate.
10.	7	Signature of Pappu Kumar Rai on the seizure list.



11.	7/1	Signature of the witness Pappu Kumar Rai on the seizure list of Alto car.
12.	7/2	Signature of the witness Saroj Kumar Rai on the seizure list.
13.	7/3	Signature of Saroj Kumar Rai on the seizure list of Alto car.

13. After the closure of the prosecution case, the statements of the accused persons were recorded under Section 313 of the CrPC in which they took plea of innocence and of a false implication.

14. The defence did not lead any evidence in support of its case.

15. On completion of the trial and after hearing the parties, the Trial Court convicted appellants and sentenced them in the manner indicated hereinabove and acquitted the two other accused persons, namely, Pintu Kumar Rai @ Pintu Rai and Chandan Jha from the charges levelled against them.

16. While assailing the impugned judgment and order, Mr. Ajay Kumar Thakur, learned counsel appearing for the appellant Pinki Devi (Criminal Appeal No.84 of 2018) submitted that the Trial Court failed to appreciate the evidence adduced during trial. He contended that even if the entire prosecution version is believed to be true at its face value, the



case would not fall under Section 364-A of the IPC, as there is no evidence supporting the fact that the appellants ever threatened the victim to cause death or hurt. He contended that the victim's version regarding demand of ransom has not been corroborated by P.Ws. 3, 4 and 5. He argued that in his testimony, the victim disclosed that when he came back, he first went to the office of the Deputy Superintendent of Police and gave his statement and the Deputy Superintendent of Police took him to the office of the Superintendent of Police, who also recorded his statement. However, neither the Deputy Superintendent of Police nor the Superintendent of Police was examined during the trial. He further argued that neither the victim nor any other witness has uttered a word regarding the involvement of the appellants in the kidnapping of the victim. He urged that the case was registered against unknown and during investigation when the appellants Pinki Devi and Anil Kumar Rai @ Birbal were arrested, they were not put on Test Identification Parade. The victim identified Pinki Devi for the first time in the dock. He submitted that the Investigating Officer conducted a perfunctory investigation. He further contended that the Trial Court erred in relying on the statement of the victim made under Section 164 of the CrPC. According to



him, the statement made under Section 164 CrPC cannot be treated as evidence especially, when the Magistrate, who had recorded the statement was not examined during trial.

17. Mr. Niranjana Parihar, learned counsel appearing for the appellant Anil Kumar Rai @ Birbal (Criminal Appeal (DB) No.82 of 2018) while adopting the submissions made by Mr. Ajay Kumar Thakur, learned counsel for the appellant Pinki Devi submitted that P.Ws. 1, 2, 8 and 9 did not support the prosecution case. They were declared hostile by the Court and their evidence is of no help to the prosecution. He further contended that P.Ws. 3, 4 and 5 are not witnesses to the incident. They gave different account of the incident. He further contended that identification of the appellants after several years of the occurrence in dock for the first time cannot be made the basis for conviction.

18. On the other hand, Dr. Mayanand Jha, learned senior counsel appearing for the State being assisted by Mr. Abhimanyu Sharma, learned Additional Public Prosecutor submitted that the Trial Court has given cogent reasons for arriving at the conclusion of guilt against the appellants. He contended that the victim Tribhuwan Prasad Sah @ Tuntun Sah was kidnapped for ransom by the miscreants, who came in a



Mahindra Scorpio SUV while he was on his way to home after closing his shop situated at Mohanpur Pathalghat Chowk. He contended that besides the Scorpio SUV, one white Alto car was also used in the kidnapping of the victim. There is evidence that the victim was kept in a three-storey building. A white Alto car bearing Registration No. BR07V-9012 was also recovered by the police during investigation. He contended that the Trial Court rightly came to the conclusion that the Alto car belonged to the appellant Anil Kumar Rai @ Birbal, which would be apparent from the seizure list (Exhibit 5/1) and the evidence of Investigating Officer. He contended that both the appellants were identified by the victim in the dock. The evidence of the victim finds corroboration from the evidence of P.Ws.3, 4 and 5. He contended that the ingredients of the offence punishable under Section 364-A of the IPC are clearly attracted, as the victim has categorically stated that he was coerced while he was in illegal confinement to demand Rs. 30 Lakhs from his brother.

19. We have heard rival contentions advanced on behalf of the parties and carefully perused the record.

20. **Manoj Sah (P.W.1) and Akash Kumar (P.W.2)** have categorically stated in their deposition that they do not know anything about the incident. They stated that their



statement was not recorded by the police during investigation. They were declared hostile by the Court at the request of the prosecution. They were cross-examined by the prosecution. However, nothing relevant could come out in their cross-examination.

21. **Pappu Kumar Sah (P.W.3)**, the informant, is the brother of the victim. He has proved his writing and signature on the written report, which has been marked as Exhibit -1. He supported the prosecution case as narrated in the FIR. In his testimony, he stated that his brother was recovered after 5-6 days at the Barauni Railway Station. He talked to his brother, who disclosed him that Roshan, Sonu, Amitabh, Bambam Choudhary and Pampam Choudhary were the persons involved in his kidnapping. He identified the appellant Anil Kumar Rai and an accused Pintu Kumar Rai in the dock as his neighbours. He did not identify the appellant Pinki Devi and the accused Chandan Jha. His evidence does not incriminate the appellants in any manner.

22. Similarly, in her testimony, **Dharamshila Devi (P.W.4)** supported the prosecution case as narrated in the FIR in her examination-in-chief. She stated that on the 7th day of the kidnapping, her son Tribhuwan Prasad Sah came back to his



house. She disclosed that Bikram, Amitabh and Pampam were the persons, who had kidnapped him. She did not identify any of the accused persons including the appellants, who were present in the dock.

23. **Kiran Devi (P.W.5)** stated in her deposition that her husband did not come back to his house on 04.03.2017 in the night. In spite of a search made for him, his whereabouts could not be found. Subsequently, it came to light that he has been kidnapped. After four days of kidnapping, her husband was recovered at Jamui on 09.03.2017. He disclosed her that he was abducted by the miscreants who came in a vehicle. He disclosed her that the kidnappers took him to Jamui. He also disclosed her that it was Roshan, Vikram, Pampam and Amitabh, who had kidnapped him. She failed to recognize the appellants in the dock.

24. **Pappu Kumar Rai (P.W.8)** stated in his evidence that the seizure list was not prepared by the Investigating Officer of the case in his presence. He further stated that he had not stated anything about the occurrence to the police. At this stage, he was declared hostile by the Court at the request of the prosecution. In cross-examination, he identified his signature on the two seizure lists, which were marked as Exhibits 7 and 7/1,



which relate to the seizure of a motorcycle and an Alto car. In cross-examination made by the defence, he stated that the police had obtained his signature on blank sheets of paper and in his presence, nothing was recovered.

25. **Saroj Kumar Rai (P.W.9)** identified his signature on the two seizure lists, which were marked as Exhibits 7/2 and 7/3 respectively. In cross-examination, he also stated that his signature was forcibly obtained by the police on blank sheets of paper and, in his presence, nothing was recovered.

26. Thus, the testimonies of P.Ws.1 to 5, 8 and 9 do not incriminate the appellants in any manner.

27. **Tribhuwan Prasad Sah @ Tuntun Sah (P.W.7)** is the victim of the case. According to him, the occurrence took place on 04.03.2017 at 9:00 p.m. while he was going to his house after closing the shop of hardware situated at Mohanpur Pathalghat Chowk. When he covered half of the distance on his way to his home, a white Scorpio SUV stopped near him. The occupants of the vehicle inquired from him about the house of one Upendra Rai, a Pramukh. He answered them that he does not know Upendra Rai. Then 2-3 persons came out of the said vehicle and stood behind him. Though, he tried to run away, they caught hold of the collar of his shirt from behind. They



assaulted with some instrument on the back of his head. Thereafter, they pushed him inside the vehicle and snatched Rs.700-800 from his pocket and a mobile phone, ring, chain etc. worth Rs.57,000/-. Thereafter, they administered an injection as a result of which, he became unconscious. When he regained his consciousness at about 4:00 a.m. on 05.03.2017, he found himself on a bed in a hospital. His legs and hands were tied and mouth was taped. In that room, two persons with arms were sleeping on the two *chowkis*. He opened the door and tried to run away, but he was intercepted again by the aforesaid miscreants after he had covered some distance. They took him to the same hospital. However, the doctor told them to take him to some other destination, as the villagers had woken up. Thereafter, they again put him in the Scorpio SUV and drove for nearly two hours. He was taken out of the vehicle near the bank of a river. Thereafter, he was taken on foot for an hour. He was kept for full day on sand on the bank of river and three persons were keeping watch over him. In the evening, he was taken to a house in a white Alto car. The inmates of the house were not ready to keep him there. Thereafter, he was again put in that car, which kept on moving for the whole night on the road. In the morning, he was shifted to a three-storey building near a railway



station. From there, he was again shifted to the aforesaid hospital and was assaulted there. In the night, once again, he was put in the Scorpio SUV, which kept on moving for almost one and a half hour on the road. He was asked to talk to his brother for demanding Rs. 30 Lakhs failing which, he would be killed. Thereafter, he was taken to Jamui in the same Scorpio SUV and was placed in a room. Three persons were keeping watch over him. He came to know their names as Roshan, Sonu and Vikram. They were talking among themselves that the police are raiding various places and three persons, namely, Birbal, Pintu Kumar and Amitabh Rai have already been apprehended. They were also talking that the wife of Pampam Choudhary had been arrested by the police. They asked him not to worry as their work had already been done, they assured that they would set him free. He stated that he was brought to the Barauni Railway Station and was put in a train by the miscreants, who got down from the train. He further stated that at Barauni, he called his brother Pappu Kumar Sah on phone. He deboarded the train and sat nearby the railway station. When his brother came, he went together with him to the house of his sister Rita Devi situated at the village-Murtazapur. Thereafter, he came to the office of the Deputy Superintendent of Police



and narrated him about the occurrence. The Deputy Superintendent of Police brought him to the office of the Superintendent of Police, Samastipur, who recorded his statement. Thereafter, he was dropped at his house by the police. He stated that his statement was also recorded in the Court. He identified his signature on his statement made under Section 164 CrPC, which was marked as Exhibit-6. He identified the appellant Pinki Devi in the dock, but he could not tell her name. He stated that he could identify her, as he had stayed in her house for a day. He also identified the appellant Anil Kumar Rai @ Birbal and the accused Pintu, but he could not identify the accused Chandan Jha in the Court.

28. In cross-examination made on behalf of the appellant Anil Kumar Rai @ Birbal, he admitted that the appellant Anil Kumar Rai @ Birbal Rai is known to him. His house is situated at a distance of one kilometer from his house. He used to frequently come to his shop. On the date of kidnapping, several persons had come to his shop. He stated that the appellant Anil Kumar Rai @ Birbal Rai had come to his shop for purchasing a motor and had stayed in his shop for about 15 minutes. At that time, he was accompanied by three others, who all were his co-villagers. He had not come in his



Alto car. He stated that the appellant Anil Kumar Rai @ Birbal Rai owns an Alto car. According to him, the appellant Anil Kumar Rai @ Birbal was involved in the crime. He admitted in his cross-examination that on 09.03.2017, he was released at the Barauni railway station. He also admitted that in between 05.03.2017 and 09.03.2017, the appellant Anil Kumar Rai @ Birbal had never talked to him. He also admitted that appellant Birbal was not with him on and after 05.03.2017. He denied the defence suggestion that he has given the name of the appellant Anil Kumar Rai @ Birbal due to some dispute with him.

29. In the cross-examination conducted on behalf of the appellant Pinki Devi, he stated that the averments made in his statement under Section 164 CrPC are true. He further admitted that his uncle was on inimical terms with his father. He may be involved in the incident. He stated that earlier he had threatened him that he would be kidnapped. He denied the defence suggestion that he was never kidnapped and was hiding in the house of his sister in order to implicate the persons with whom he had previous enmity.

30. **Jageshwar Rai (P.W.6)** is the Investigating Officer of the case. In his deposition, he has stated that he was In-charge of Mohanpur police out-post in the year 2017. He received a



written report from Pappu Kumar Sah (P.W.3), which was forwarded by him to the SHO of the Patori Police Station for the institution of a case. He identified his writing and signature on the forwarding of the written report which was marked as Exhibit-2. The SHO, Patori instituted Patori P.S. Case No.94 of 2017 under Section 364/34 of the IPC on the basis of the said report. He identified the writing and the signature of the SHO of the Patori Police Station on the formal FIR, which has been marked as Exhibit-3. After being appointed as the Investigating Officer of the case, he inspected the place of occurrence, recorded the subsequent statement of the informant and the statement of witnesses, namely, Monoj Sah (P.W.1) and Akash Kumar (P.W.2), raided the hideouts of the suspects and made efforts for the recovery of the victim. He stated that he seized the Honda motorcycle of the suspect Pintu Kumar Rai and recorded his confessional statement. Thereafter, he seized the Alto car bearing Registration No.BR07V-9012 belonging to the appellant Anil Kumar Rai @ Birbal in the presence of two witnesses and recorded his confessional statement. He arrested the other accused persons during investigation. He stated that on 10.03.2017, he reached at the house of the informant and recorded the statement of the victim Tribhuwan Prasad Sah @



Tuntun Sah and on completion of investigation submitted the charge-sheet in the case against the accused Pintu Rai, Jaiki Kumar Rai, Anil Kumar Rai, Pinki Devi, Chandan Jha and Raushan Kumar under Sections 364-A, 120-B/34 of the IPC vide Charge-sheet No.175 of 2017 dated 31.05.2017 and kept the investigation pending against the accused Amitabh Rai, Mukesh Chaudhary @ Pampam Chaudhary, Kundan Jha, Bikram Kumar, Sonu Kumar and Ranjeet. He identified his writing and signature on the two seizure-lists, which were marked as Exhibits-5 and 5/1 respectively.

31. In the cross-examination made on behalf of the appellant Pinki Devi, the Investigating Officer admitted that he could not locate the hospital where the victim was allegedly kept in the captivity. He further admitted that he could not even seize the Scorpio SUV used in the commission of the offence. He stated that in the 164 Statement, the victim had stated that he was kept in the captivity across the river for 7 days. However, he did not go to Jamui. He admitted that the victim had disclosed that he had gone to Barauni to the house of his relative from Jamui, but he did not record the statement of his relative. He also admitted that he did not verify as to how the victim reached to his house from Barauni. He further admitted that the



victim had suspected the hand of his uncle, namely, Devendra Sah in the kidnapping, but the investigation against him is still going on. Neither he has been arrested nor his statement has been recorded. He denied the defence suggestion that he has implicated the appellants falsely with an oblique motive.

32. It is reiterated that on a careful consideration of the entire evidence, we see nothing in the evidence of P. Ws 1 to 5, 8 and 9 on the basis of which the prosecution could have proved the guilt of the two appellants.

33. In so far as the testimony of Tribhuwan Prasad Sah @ Tuntun Sah (P.W.7) is concerned, he has admitted in his cross-examination that the appellant Anil Kumar Rai @ Birbal is known to him. His house is situated at a distance of one kilometer from his house. He used to frequently visit his shop. He admitted that in between 05.03.2017 and 09.03.2017, the appellant Anil Kumar Rai @ Birbal had never talked to him. He further admitted that the appellant Anil Kumar Rai @ Birbal was not with him on or after 05.03.2017. In his evidence, nowhere we find the description of any role of the appellant Anil Kumar Rai in the alleged offence. The only thing which he said in his evidence is that at one point of time, he was taken to a house in a white Alto car and when the inmates of the house



refused to keep him, he was again put in that car and in the morning, he was shifted to a three-storey building near a railway station. In the entire evidence of the victim, the registration number of the Alto car has not been mentioned.

34. From the deposition of Jageshwar Rai (P.W.6), the Investigating Officer of the case and the seizure list marked as Exhibit-5/1, it would appear that a white Alto car bearing Registration No.BR-07V-9012 was seized on 09.03.2017 at 12:15 p.m. from outside the house of the appellant Anil Kumar Rai @ Birbal. During investigation, neither the victim nor any other witness has stated that it was the same vehicle in which the victim was taken from one place to another while being in captivity. There is no evidence that the aforesaid Alto car was put on test identification parade. There is also no evidence to support the case of the prosecution that the appellant Anil Kumar Rai @ Birbal was the registered owner of the Alto car though the Investigating Officer has stated in his deposition that Anil Kumar Rai @ Birbal was the owner of Alto car seized outside his house. There is no evidence in what manner the appellant Anil Kumar Rai @ Birbal participated or connived with the other accused persons in abducting, confining and demanding ransom from the victim.



35. Simply because a white Alto car was used in the kidnapping of the victim and a white Alto car was seized from outside the house of the appellant Anil Kumar Rai @ Birbal, it cannot be inferred that the appellant was the owner of the vehicle and the said vehicle was used in any manner in the commission of the offence. In absence of the proof regarding the ownership of the car as well as in absence of any link between the car seized and the car used in the crime, no inference can be drawn regarding the guilt of the appellant Anil Kumar Rai @ Birbal.

36. Similarly, there is complete lack of evidence as against the appellant Pinki Devi. The only material collected against her during trial is that the victim identified her in the dock and stated that he had stayed in her house for a day. It is not known as to whether he had stayed in her house on any previous occasion or while he was in the captivity of the criminals. The victim has not uttered a word regarding the role of the appellant Pinki Devi in his evidence. In the absence of any cogent evidence, she cannot be held guilty on hypothetical presumption and wild suspicion. In a criminal case the duty of the prosecution is to prove its case beyond reasonable doubt.

37. In view of the discussions made above, we are of



the opinion that the evidence on the record did not support the findings arrived at by the Trial Court. We are of the opinion that the prosecution has miserably failed to bring home the charges levelled against the appellants.

38. For the reasons, recorded hereinabove, the appeals are allowed. The impugned judgment of conviction dated 13.12.2017 and the consequent order of sentence dated 14.12.2017 passed by the learned Trial Court in Sessions Trial No.553 of 2017/467 of 2017 arising out of Patori P.S. Case No.94 of 2017 are, accordingly, set aside.

39. The appellants, namely, Pinki Devi and Anil Kumar Rai @ Birbal @ Anil Kumar @ Anil Ray are acquitted of the charges levelled against them. They shall be released from the jail forthwith unless they are required in any other case.

(Ashwani Kumar Singh, J)

(Arvind Srivastava, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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