

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.447 of 2020

Arising Out of PS. Case No.-213 Year-2006 Thana- EKANGARSARAI District- Nalanda

SANJU DEVI Wife of Niranjan Paswan Resident of Village-Dhurgoan, P.S.-
Ekangarsarai, District-Nalanda.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Jai Narayan Mahto Son of Late Soudagar Mahto Resident of Village-Dhurgoan, P.S-Ekangarsarai, District-Nalanda.
3. Ravi Kumar @ Ravi Shankar Son of Jai Narayan Mahto Resident of Village-Dhurgoan, P.S-Ekangarsarai, District-Nalanda.
4. Bablu Kumar @ Babalia Son of Jai Narayan Mahto Resident of Village-Dhurgoan, P.S-Ekangarsarai, District-Nalanda.
5. Suman Prasad Son of Ram Prasad Mahto Resident of Village-Dhurgoan, P.S-Ekangarsarai, District-Nalanda.
6. Umesh Prasad Son of Late Jagdish Mahto Resident of Village-Dhurgoan, P.S-Ekangarsarai, District-Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amresh Kumar Sinha
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 21-11-2022 1. Heard learned counsel for the appellant and learned
counsel for the State.

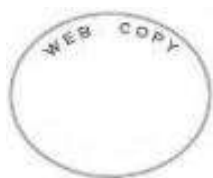
2. This appeal is directed against the judgment dated
07.11.2019 passed in G.R. Case No. 834 of 2006 arising out of
Ekangarsarai P.S. Case No. 213 of 2006, whereby and
whereunder the court below has acquitted all the accused
persons from the charges levelled against them under sections
341/34, 323/34, 504/34 of the Indian Penal Code and section



3(1) (X) of the S.C./S.T. Act.

3. The facts of the case, in short, is that on 11.05.2006 while informant was going to Dhurgaon from Patna and when reached near Panchayat Bhawan, all the accused persons surrounded with bad intention. She started running towards her village but all the accused persons followed her and surrounded at Chhilka. Accused Ravi Kumar pulled out pistol from his waist, placed the same at the head of the informant, abused her , slapped her and snatched her gold chain and gold earring. Accused Jai Narayan Mahto snatched rupees 11000/- from the informant which she had brought from her husband for purchasing food-grains. He abused her by taking her caste name and threatened her to kill if she does not withdraw the case filed by her. When witnesses and near by travellers came for rescue on hulla being raised by the informant, accused Suman and Ravi Kumar fired from the pistol and all the accused persons fled away. The informant went to the police station but when no action was taken, the informant filed the case in court.

4. On basis of the above information, Ekangarsarai P.S. Case No. 213 of 2006 was registered and after investigation charge sheet was submitted against all the accused persons. Thereafter, cognizance was taken and the case was committed to



the Court of Sessions. Accordingly charges were framed against all the accused persons under sections 341/34, 323/34, 504/34 of the Indian Penal Code and section 3(1)(X) of the SC/ST Act.

5. The trial Court found the prosecution story to be not believable on basis of the following grounds :-

(a) On each point there is contradiction in the statement of the witnesses.

(b) Except witness no. 2, all the witnesses are of the same family.

(c) Sanju Devi was treated in Patna but there is no medical report on the record.

(d) the informant has admitted that there is previous case between her and Jai Narayan Mahto.

(e) the occurrence is alleged to be of 11.06.2006 but the case has been lodged on 10.08.2006 and with regard to delay no satisfactory explanation has been given by the informant. As per the informant she had first gone to the police station, but there is no proof of filing any application in the police station, and

(f) the husband of the informant namely, Niranjana Paswan has neither been made witness nor any effort has been made by the prosecution to produce him.



6. For the above reasons, the trial Court found that there is lack of evidence and materials for convicting the accused persons and further found that the prosecution has failed to establish the charges levelled against the accused persons. The trial court, accordingly, acquitted all the accused persons from the charges levelled against them.

7. I perused the judgment of the court below. The Sessions Judge has discussed all the facts and evidence in detail and has given proper reasons and grounds for acquittal. Accordingly, this Court does not find any merit in the appeal and the same is dismissed at the stage of admission itself.

(Arvind Srivastava, J)

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