

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.765 of 2021**

Arising Out of PS. Case No.-267 Year-2011 Thana- UDWANTNAGAR District- Bhojpur

Jitendra Kumar Singh, Son of Dharm Nath Singh, Resident of Village -
Udwant Nagar, P.S. - Udwant Nagar, District - Bhojpur.

... .. Appellant/s

Versus

Prabhu Prasad, Son of Late Khelari Prasad, Resident of Village - Udwant
Nagar, P.S. - Udwant Nagar, District - Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. S.A. Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL JUDGMENT**

Date : 28-04-2022

This is an appeal filed by the first informant, who happens to be father of the alleged victim child.

2. On the basis of report lodged by the present appellant, respondent Prabhu Prasad who happens to be father of absconding accused Raghubansh Prasad came to be prosecuted for the offences punishable under Sections 366A, 504 and 506 r/w Section 34 of the Indian Penal Code.

3. Accusations against respondent Prabhu Prasad were to the effect that his son Raghubansh Prasad @ Chotu and he himself had kidnapped minor female child of first informant Jitendra Kumar Singh in order to seduce her to illicit intercourse with Raghubansh Prasad @ Chotu.



4. After due trial, on the basis of evidence on record, the learned trial court has come to the conclusion that there is no iota of evidence against the applicant to hold the alleged offences are proved against him and that is how by the Judgment and Order dated 03.02.2020 he is acquitted of all offences alleged against him. This Judgment is sought to be impugned in the instant appeal.

5. Vide order dated 02.03.2022 one more change was granted to the learned counsel for the appellant to point out the illegality or infirmity if any in the impugned Judgment of acquittal, after hearing him on that day.

6. Today the learned counsel for the appellant argued that in fact as per evidence, the victim female was a child and minor. No such evidence is pointed out to this Court during the course of hearing. To crown this all, the alleged victim of the crime in question appeared as the defence witness no. 3 and has stated in her evidence that she had married Raghubansh Prasad and is having two sons from him. She had deposed before the trial court that she was not kidnapped by Raghubansh Prasad who happens to be son of the respondent/acquitted accused. She stated her age as 28 years while in the Dock. With this evidence coupled with the fact that the victim was never medically examined in order to determine her bony age and there is no material to infer



age of the alleged victim, the learned trial court was pleased to record Judgment of acquittal. Thus presumption of innocence of the respondent is cemented by this Judgment of acquittal and for offsetting such type of Judgment, material worth credence is required to be pointed out. No such evidence is demonstrated to this Court during the course of hearing.

7. In this view of the matter, this appeal is devoid of merit and the same is accordingly dismissed.

(A. M. Badar, J)

Bhardwaj/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	29.04.2022
Transmission Date	29.04.2022

