

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4042 of 2021

Arising Out of PS. Case No.-1615 Year-2012 Thana- COMPLAINT CASE District- Jamui

KAMLESHWARI PRASAD RAJAK Son of Late Bhagwat Rajak Resident of
Village - Khaira, Near Bishhari Asthan, P.S.- Khaira, Dist.- Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. Binod Rawat Son of Baldeo Rawat R/o vill. - Khaira, P.S.- Khaira, Dist.- Jamui.
3. Bashisht Rawat @ Bandan Rawat Son of Baldeo Rawat R/o vill. - Khaira, P.S.- Khaira, Dist.- Jamui.
4. Mahesh Rawat Son of Baldeo Rawat R/o vill. - Khaira, P.S.- Khaira, Dist.- Jamui.
5. Bipin Rawat Son of Baldeo Rawat R/o vill. - Khaira, P.S.- Khaira, Dist.- Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar Sinha
For the Respondent/s : Mr.Bipin Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

13 30-11-2022 1. Heard learned counsel for the appellant and
learned counsel for the State.

2. This appeal is directed against the judgment dated
26.02.2021 passed in SC/ST No. 1 of 2014 arising out of
Complaint Case No. 1615C of 2012, whereby and whereunder
the court below has acquitted all the accused, by giving benefit
of doubt, from the charges levelled against them under sections
323, 447 of the Indian Penal Code and sections 3(1)(X)(iii) and
(xv) of the S.C./S.T.(Prevention of Atrocities) Act .



3. The facts of the case, in short, is that the informant Kamleshwari Prasad Rajak filed a petition to the effect that when he was ploughing his field then all the accused persons came, stopped him from ploughing his field, assaulted him, insulted him by calling his caste name, asked him to lick spit and discharged urine on his face.

4. During investigation, complainant examined himself and three other witnesses and thereafter after taking cognizance charges were framed. Defence in support of its case, examined two witnesses and produced ten documentary evidence.

5. The trial Court did not find the prosecution story to be true on basis of the following grounds :-

(a) the complainant has lodged so many cases of the same nature against the accused persons. Even the language of all the cases are same.

(b) a civil matter is also pending between the parties.

(c) the statement of all the accused are different on the point of discharging urine. One witness has taken the name of three persons who are not even accused in the present case.

(d) there is no injury report on the record.

(e) the place of occurrence is situated at a distance of



2 minutes from the police station, but no information was given to the police.

(f) In view of pendency of cases between the parties, it was necessary that the prosecution story is supported by some independent witness, but no independent witness has come forward.

(g) the entire prosecution story is full of contradictions and therefore is not believable.

9. For the above reasons, the trial Court acquitted all the accused persons from the charges levelled against them.

10. I perused the judgment of the court below. The Special 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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