

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.866 of 2019

Arising Out of PS. Case No.-91 Year-2004 Thana- SINGHESHWAR District- Madhepura

Bibi Raushan Khatoon @ Raushan Khatun wife of Md. Nasim, Resident of
Village - Jhitkiya, P.S.- Singheshwar, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Md. Nizam Uddin, son of Late Md. Isha Resident of Village - Jhitkiya, P.S.-
Singheshwar, District- Madhepura
3. Md. Razamul, son of Late Md. Ibrahim Resident of Village - Jhitkiya, P.S.-
Singheshwar, District- Madhepura
4. Md. Sattar, son of Late Md. Ibrahim Resident of Village - Jhitkiya, P.S.-
Singheshwar, District- Madhepura
5. Md. Tasadduque, son of Late Md. Ibrahim Resident of Village - Jhitkiya,
P.S.- Singheshwar, District- Madhepura
6. Md. Haidar, son of Md. Sattar Resident of Village - Jhitkiya, P.S.-
Singheshwar, District- Madhepura
7. Md. Imtiyaz son of Md. Nizam Uddin Resident of Village - Jhitkiya, P.S.-
Singheshwar, District- Madhepura
8. Md. Istekhar, son of Md. Nizam Uddin Resident of Village - Jhitkiya, P.S.-
Singheshwar, District- Madhepura
9. Md. Kalam, son of Md. Tasduk Resident of Village - Jhitkiya, P.S.-
Singheshwar, District- Madhepura
10. Bibi Zahra Khatoon @ Bibi Zohra Khatoon, wife of Md. Nizam Uddin
Resident of Village - Jhitkiya, P.S.- Singheshwar, District- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Uday Chand Prasad, Advocate Mr. Manoj Kumar, Advocate
For the State	:	Mr.Satya Narayan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

8 12-09-2022 Heard Mr. Uday Chand Prasad, learned counsel along

with Mr. Manoj Kumar, learned counsel for the appellant and

Mr. Satya Narayan Prasad, learned A.P.P. for the State.



2. The present appeal is directed against the judgment and order dated 24.05.2019 passed by the learned Additional Sessions Judge, Fast Track Court No.II, Madhepura by which the respondents no. 2 to 10 have been acquitted of the charges for which they were tried in Sessions Trial No. 71 of 2009 (CIS No. 2468 of 2013) arising out of Singheshwar P.S. Case No. 91 of 2004.

3. The appellant is the informant of Singheshwar P.S. Case No. 91 of 2004 instituted under Sections 341, 323, 504, 379, 380 and 376/34 of the Indian Penal Code. The respondents no. 2 and 3 have been acquitted of the charges under Sections 341, 323, 504, 379, 308/34 and 376/34 of the Indian Penal Code and respondents no. 4 to 10 have been acquitted of the charges under Sections 341, 323, 504, 379 and 308/34 of the Indian Penal Code.

4. Learned counsel for the appellant submits that the specific case of the appellant was that respondents no. 2 and 3 had raped her and besides her being witness, her husband had also witnessed the same and the remaining co-accused had assaulted the victim and her family members. On being asked by the Court to point out with regard to any error committed or perversity in the judgment impugned, learned counsel drew the



attention of the Court to paragraph no. 9 of the judgment in which the detailed discussion with regard to the evidence adduced / statement of the prosecution witnesses and the reasoning of the Court with regard to veracity of the allegations has been made.

5. Learned A.P.P. submitted that the judgment is well discussed and needs no interference.

6. Having considered the matter and taking into account the discussions made by the trial Court at paragraph no. 9 of the judgment impugned which goes to show that the allegations raise serious doubt with regard to their veracity and there being land dispute and close proximity between another incident where the appellant side had lodged an F.I.R. against the accused for an offence which is said to have been committed on 06.02.2004 and the incident complained of being said to have taken place on 02.03.2004 and thereafter a complaint being filed on 10.03.2004 and even in the F.I.R. lodged from the side of the appellant for an incident on 06.03.2004 not disclosing the present allegations, the Court finds that the trial Court has rightly given benefit of doubt to the accused leading to their acquittal.

7. For reasons aforesaid, the Court does not find any



occasion to interference in the judgment impugned and accordingly, the appeal stands dismissed.

(Ahsanuddin Amanullah, J)

(Purnendu Singh, J)

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