

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.5862 of 2019

Arising Out of PS. Case No.-98 Year-2017 Thana- TARAPUR District- Munger

RAHUL KUMAR S/o Late Sheo Balak Prasad R/o Mohalla- Mohanganj,
P.S.- Tarapur, District- Munger

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Choudhary S/o Mahindra Choudhary R/o village- Fazeliganj, P.S.-
Tarapur, District- Munger

... .. Respondent/s

Appearance :

For the Appellant/s : Md. Harun Quareshi, Adv.

For the Respondent/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

- 3 24-08-2022
1. Heard learned counsel for the appellant and
learned counsel for the State.
 2. This appeal is directed against the judgment
dated 21.10.2019, whereby and whereunder the trial court has
acquitted the sole accused Vikas Choudhary, by giving benefit
of doubt, from the charge under sections 363, 366, 379 and 376
of the Indian Penal Code.
 3. The facts of the case, in short, is that the informant



filed a written complaint to the effect that Vikas Choudhary has kidnapped his wife and two children aged about 7 years and 4 years respectively. The reason behind the above abduction is that the accused wants to marry his wife. While kidnapping, the accused took away costly jewelry and cash also.

4. On basis of the above information, Tarapur P.S. Case Mo. 98 of 2017 was registered and after investigation charge-sheet was submitted against the sole accused under the aforementioned sections. Thereafter, after complying the legal formalities, the trial of the case begun.

5. The prosecution examined the informant, victim, independent witnesses and the investigating officer, but the trial Court did not find their evidence to be reliable on basis of the following grounds :-

(a) The victim, in her evidence, has stated that the accused kidnapped her after making her unconscious. She was taken to Jasidih by car and fromwhere they went to Ranchi, Kolkata, Jabalpur, Mumbai and Ahmedabad by train. At all the places they stayed for 3-4 days in hotel and lastly stayed for one and half month in a rented house at Ahmedabad. But, during the above two and half months long period, neither the victim nor her children raised any alarm. The independent witness had seen



the victim sitting in the car in conscious condition. When the investigating officer arrested the accused at Ahmedabad, and recovered the victim and her children, the situation was normal. The victim had denied from undergoing medical examination. Although the children were aged 7 years and 4 years, they were capable of giving statement on the incident but they have not been examined by the prosecution.

(b) The victim, in her statement, had accepted that the she knows the accused from her childhood, they are relatives and he often used to come to her house. The only defence witness, who herself is the wife of the accused, has stated that there was love affair between her husband and the victim and in support of her statement she produced documentary evidence which has been marked as Exhibit-A.

(c) The informant did not produce any document with regard to the expensive jewelry.

6. For the above reasons, the trial Court reached at the conclusion that the accused was known to the victim and she had voluntarily gone with the accused. On other allegations also, the prosecution has failed to prove its case beyond all reasonable doubt and therefore acquitted all the accused from the charges levelled against him giving the benefit of doubt.



10. Considering all the aforementioned facts, I do not find any error in the impugned judgment. Accordingly, the appeal is dismissed at the stage of admission itself.

(Arvind Srivastava, J)

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