

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.903 of 2023

Arising Out of PS. Case No.-232 Year-2021 Thana- KRISHNAGARH District- Bhojpur

Urmila Devi W/o Amarnath Yadav, R/o Village- Piparpanti, P.S. Krishnagarh,
Dist. Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Lal Bahadur Yadav S/o Yadav Ramji Yadav, R/o Village- Piparpanti, P.S. Krishnagarh, Dist. Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gopal Govind Mishra, Advocate.

For the Respondent/s : Mr. Ajay Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA)

3 23-11-2023 Heard learned counsel for the appellant and learned
APP for the State.

2. This appeal has been filed against the judgment of acquittal dated 27.06.2023 passed by learned Additional District and Sessions Judge-6th-cum-Special Judge POCSO, Bhojpur, Ara in connection with POCSO Case No.35 of 2021 arising out of Barhara Krishnagarh Police Station Case No.232 of 2021 whereby and where under the respondent no.2 has been acquitted from the charges under Sections 376, 511 of the Indian Penal code and Section 6/18 & 10 of POCSO Act.

3. Learned counsel for the appellant submits that the



court below has passed the judgment of acquittal without applying his judicial mind and without consideration of the evidence available on record. He further submits that the court below has failed to appreciate that the prosecution has established the charges on the basis of examination of four witnesses beyond all shadow of doubts. The court below has only relied upon the deposition of defense witnesses to controvert the charges of the prosecution.

4. Learned A.P.P. for the State submits that there was delay of three days in lodging the F.I.R. In this connection, the prosecution has stated that there was a *panchayati* but no evidence on behalf of the prosecution has been produced. He further submits that the informant in her written statement has stated that respondent no.2 has already committed this type of occurrence with three other girls but no evidence has been produced in this regard. It is also submitted that the victim in her evidence has admitted that Lal Bahadur Yadav (respondent no.2) did not commit any wrong with her. Therefore, the court below has rightly passed the judgment of acquittal.

5. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, we do not find any error in the impugned judgment passed by the court



below. The appeal is, accordingly, dismissed being devoid of any merit.

(Arvind Srivastava, J)

(Sunil Dutta Mishra, J)

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