

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1524 of 2019**

Arising Out of PS. Case No.-102 Year-2014 Thana- PHULWARIYA District- Gopalganj

Vijay Kumar Chaudhary Son of Kishore Chaudhary Resident of Village-
Bathuwa Bazar, P.S.- Phulwariya, District- Gopalganj.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Chhotelal @ Chottu Manjhi Son of Videshi Manjhi Resident of Village-
Balepur Gadditola, P.S.- Fulwariya, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prince Kumar Mishra, Advocate

For the Respondent/s : Mr. Manish Kumar No2, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

Date : 04-01-2023

This appeal has been preferred under Section 372 of the
Cr.P.C. putting to challenge the judgment dated 30.09.2019 passed
in Sessions Trial No. 265 of 2015, arising out of Phulwariya P.S.
Case No. 102 of 2014, by the learned VIth Additional Sessions
Judge, Gopalganj, acquitting the respondent No.2 of the charge for
the offence punishable under Section 395 of the Indian Penal
Code.

Learned counsel appearing on behalf of the appellant
has very fairly drawn our attention to a judgment of this Court
dated 08.01.2020 passed in Cr. App. (DB) No. 1459 of 2019,

whereby this Court has dismissed an appeal against acquittal filed by the present appellant in a case arising out of the same Phulwariya P.S. Case No. 102 of 2014. Two separate appeals came to be filed by the same appellant as two separate judgments of acquittal were delivered by the learned Trial Court.

There is nothing in the present appeal against acquittal of respondent No. 2 to distinguish it from the case against respondent No. 2, Dinesh Manjhi, of Cr. App. (DB) No. 1459 of 2019.

Considering the facts and circumstances, particularly the fact that an appeal against acquittal of Dinesh Manjhi has been dismissed by this Court, this appeal is also dismissed.

(Chakradhari Sharan Singh, J)

(Rajesh Kumar Verma, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
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