

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1194 of 2024

Arising Out of PS. Case No.-719 Year-2000 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Ravi Shankar Singh Son of late Brahmdeo Singh Resident of vill.-Uli Banahi,
P.O. and P.S.-Nawhatta, Distt.-Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Singh Son of late Surya Prashad singh Resident of vill.-
Balbhadrapur, Ps.-Nauhatta, Distt.-Rohtas
3. Tuntun singh @ Mukesh Singh Son of late Surya Prashad Singh Resident of
vill.-Balbhadrapur, Ps.-Nauhatta, Distt.-Rohtas
4. Rana Birendra Pratap Singh Son of late Mukhlal singh Resident of vill.-
Balbhadrapur, Ps.-Nauhatta, Distt.-Rohtas
5. Radha singh Son of late Vishwanath Singh Resident of vill.-Balbhadrapur,
Ps.-Nauhatta, Distt.-Rohtas
6. Arun Kumar singh Son of late Deovansh Singh Resident of vill.-
Balbhadrapur, Ps.-Nauhatta, Distt.-Rohtas
7. Jai Govind singh Son of late Vishwanath Singh Resident of vill.-
Balbhadrapur, Ps.-Nauhatta, Distt.-Rohtas
8. Ashok Singh Son of late Deovansh Singh Resident of vill.-Balbhadrapur,
Ps.-Nauhatta, Distt.-Rohtas
9. Umesh Singh Son of late deovansh Singh Resident of vill.-Balbhadrapur,
Ps.-Nauhatta, Distt.-Rohtas
10. Seeta Singh Son of late Shivtahal singh Resident of vill.-Balbhadrapur, Ps.-
Nauhatta, Distt.-Rohtas
11. Suneel Singh Son of late Jagdeep Singh Resident of vill.-Balbhadrapur, Ps.-
Nauhatta, Distt.-Rohtas
12. Krishna singh Son of late Jagdeep Singh Resident of vill.-Balbhadrapur, Ps.-
Nauhatta, Distt.-Rohtas
13. Umesh Singh Son of late Fenku Singh Resident of vill.-Madhe, P.S.-Mani
Nagar, O.P., Distt.-Aurangabad
14. Anup Kumar Singh Son of late Baidyanath Singh Resident of vill.-Sundipur,
P.s.-Majhiaon, Distt.-Gadhwa (Jharkhand)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sadanand Roy
For the Respondent/s : Mr.Mukeshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**



CAV ORDER

3 27-06-2024 I have already heard the learned counsel for the appellant.

2. Being aggrieved by the judgment of acquittal, the appellant has filed this appeal against the judgment and order dated 23.11.2023 passed by the learned SDJM, Civil Court, Dehri (Rohtas) in Complaint Case No. 719 of 2000, whereby the opposite party no.2 to 13 were acquitted.

3. The appellant, who is a practising lawyer in Sasaram Civil Court, lodged a complaint case with allegation that on 03.07.2000 at about 11.00 a.m. when the complainant along with one Satya Narayan went to plot nos.686,687 and 836, being khata no. 24, area five bigha (place of occurrence), where paddy seed was sown which was in possession of the complainant, as one Baidhyanath Singh and Rameshwar Singh had executed an agreement to sale in favour of the complainant. It has been mentioned in the complaint petition that the accused Anup Kumar Singh with a gun in his hand, along with Rakesh Kumar Singh, was ploughing his field with a tractor and accused Radha Singh and Jai Govind Singh were putting seeds in the field, while accused Vishwanath Singh, Rakesh Singh, Runtun Singh and Veerendra Singh were holding single-barrel guns in their hands. The complainant went to the police station,



but it was a futile effort, whereafter he filed this complaint petition. The accused persons, 20-25 unknown, were equipped with deadly weapons. Accused Anup Singh shot fired at the complainant but he escaped the attack. Accused Veerendra Singh opened indiscriminate firing. It has also been mentioned in the complaint that firstly the complainant went to Nauhatta police station for lodging the FIR, but the police did nothing and only a case under Section 107 CrPC. was lodged.

4. The learned counsel for the appellant submitted that the witnesses have supported the case but despite that the learned court below acquitted the accused persons, instead of convicting and punishing them.

5. The learned court below in the impugned order has mentioned that the complainant himself is a practising lawyer in Sasaram Civil Court for 7-8 year and it was not clarified as to why he sent his application to Dy. Superintendent of Police, instead of Superintendent of Police under Section 154(2) of the CrPC, when the SHO refused to lodge the case. It has also been mentioned that the Probation Officer, on whose evidence the prosecution is basing its case, has in his cross-examination, clearly admitted that he never visited the place of occurrence nor did he know as to where the place of occurrence was



situated. The prosecution witnesses Shaligram Singh stated that he never went to the place of occurrence. P.W.2, as per his deposition, had seen the occurrence from a distance of 400 yards, but how it can be possible for any person to identify the person from such a distance. It has also been mentioned in the impugned judgment that the entries of the disputed land did not contain the names of the defense side, as such, there is no question of possession, nor there is evidence of possession of the appellant over the disputed land. On behalf of the defense side, Nauhatta P.S. Case No. 30 of 2000 has been lodged with the allegation that the complainant, who is a practising lawyer in Sasaram Civil Court, attempted to grab the land of the opposite parties on the basis of forged and fabricated documents. In that case, against the order of cognizance (summoning order), the prosecution side of that case had filed a revision but that revision has also been dismissed and considering all these facts the learned court below found the opposite parties innocent. It is strange that there was indiscriminate firing caused by several accused persons, but not a single person suffered any kind of injury.

6. The prosecution has failed to establish the charges against the opposite parties. As such, they were acquitted.



7. From perusal of the impugned judgment itself, it appears that the prosecution has failed to prove the guilt of the accused persons/opposite parties. Accordingly they were acquitted.

8. I do not find any kind of infirmity in the impugned judgment and order dated 23.11.2023 passed in Complaint Case No. 719 of 2000.

9.This appeal is accordingly dismissed.

(Nawneet Kumar Pandey, J)

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