

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.341 of 2024

Arising Out of PS. Case No.-543 Year-2021 Thana- BIDUPUR District- Vaishali

Rakesh Kumar Singh, Son Of Sahdev Singh, Resident of village -Saidpur
Ganesh PO- Panapur Dharampur PS- Bidpur District -Vaishali
... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Kapil Singh Son Of Late Ram Prasad Singh Village- Kanchanpur, Kps- Bidupur, Dist- Vaishali
- 3. Avinash Kumar @ Nath Son Of Kapil Singh Village- Kanchanpur, Kps- Bidupur, Dist- Vaishali
- 4. Munilal Singh @ Jitendra Kumar Son Of Late Ram Prasad Singh Village- Kanchanpur, Kps- Bidupur, Dist- Vaishali
- 5. Vikash Singh @ Vikash Kumar Son Of Kapil Singh Village- Kanchanpur, Kps- Bidupur, Dist- Vaishali
- 6. Parma Rai @ Parmanand Rai Son Of Late Khakhanu Singh Resident Of Village -Saidpur Ganesh Po- Panapur Dharampur Ps- Bidpur District -Vaishali
- 7. Santosh Kumar Son Rama Singh Resident Of Village -Saidpur Ganesh Po- Panapur Dharampur Ps- Bidpur District -Vaishali

... .. Respondent/s

Appearance :
For the Appellant/s : Mr.Kumar Abhishek, Advocate
For the State : Ms.Anita Kumari Singh, APP
For the Respondent Nos.2to7: Mr.Najmul Hoda, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

7 06-08-2024 Heard learned counsel for the appellant, learned counsel
for the respondent nos. 2 to 7 and learned Addl.P.P. for the State.

2. As the hearing began, learned Addl.P.P. for the State
pointed out to this Court that in this case it is the informant who is
appellant before this Court who has demolished the whole
prosecution case after entering into a settlement which fact would

be evident from his statements in paragraph ‘8’ and ‘9’ of his deposition, still he has preferred this appeal against acquittal which is nothing but an attempt to play hot and cold at the same time, misusing the process of law and then it results in wastage of the time of the Court.

3. It was also pointed out that from the judgment of the learned trial court itself, it would appear that almost all the prosecution witnesses including the informant have been declared hostile as they did not support the prosecution case.

4. In view of the above objections, we called upon learned counsel for the appellant to explain the conduct of the appellant and the materials available on the record, if any, to take a different view other than what have been taken by the learned trial court.

5. Learned counsel for the appellant has, at this stage, sought permission to withdraw this appeal.

6. Permission is granted.

7. This appeal is dismissed as withdrawn.

(Rajeev Ranjan Prasad, J)

(Shailendra Singh, J)

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