

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (DB) No.506 of 2021**

Arising Out of PS. Case No.-181 Year-2015 Thana- NARPATGANJ District- Araria

=====

RAMKRISHNA MANDAL Son of Late Nakchedi Mandal Resident of  
Village- Gorraha Bishnpur, Ward No. -06, P.S.- Narpatganj, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramsewak Mandal Son of Late Sahdeo Mandal Resident of Village-  
Gorraha Bishnpur, Ward No. -06, P.S.- Narpatganj, District- Araria.
3. Mira Devi Wife of Ramsewak Mandal Resident of Village- Gorraha  
Bishnpur, Ward No. -06, P.S.- Narpatganj, District- Araria.
4. Raushan Kumar Son of Ramsewak Mandal Resident of Village- Gorraha  
Bishnpur, Ward No. -06, P.S.- Narpatganj, District- Araria.
5. Laxman Mandal Son of Late Sahdeo Mandal Resident of Village- Gorraha  
Bishnpur, Ward No. -06, P.S.- Narpatganj, District- Araria.
6. Rani Devi Wife of Laxman Mandal Resident of Village- Gorraha Bishnpur,  
Ward No. -06, P.S.- Narpatganj, District- Araria.

... .. Respondent/s

=====

**Appearance :**

|                            |   |                           |
|----------------------------|---|---------------------------|
| For the Appellant/s        | : | Mr.Wali-ur-Rahman, Adv.   |
| For the Respondent/s       | : | Mr.Ajay Mishra, APP       |
| For respondent nos. 2 to 6 | : | Mr. Bidhanesh Misra, Adv. |

=====

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**and**  
**HONOURABLE MR. JUSTICE NANI TAGIA**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

11    12-02-2024                      We have heard Mr. Wali-ur-Rahman, the  
  
learned Advocate for the appellant and Mr.  
  
Bidhanesh Misra, the learned Advocate for the  
  
respondent nos. 2 to 5.

2.                      The State is represented by the learned APP.



3. This is an appeal against the acquittal of respondent nos. 2 to 6 of the charges under Sections 341, 323, 324, 325, 307, 504, 506 and 34 of the Indian Penal Code by judgment dated 17.06.2020 passed by the learned Additional Sessions Judge -V, Araria in Sessions Trial No. 289/2016, CIS No. 309/2016 arising out of Narpatganj P.S. Case No. 181/2015.
4. The occurrence had taken place out of a dispute between the parties with the charge against the respondents of having occluded the egress used by the informant. This led to a scuffle where respondent nos. 2 to 6 are said to have assaulted the members of the prosecution party.
5. In the Trial, only two witnesses were examined; one of whom did not support the prosecution case and was declared hostile while the other, though claimed to be an eyewitness to the occurrence, but the narration by him was much less than any specific attribution of roles. No other



witness was examined before the Trial Court despite opportunity given to them.

6. The I.O. has also not been examined and no injury report was brought on record.

7. The Trial Court thus was left with no other alternative but to dismiss the case of the prosecution, which it has done.

8. We do not find any perversity in the judgment of acquittal passed by the learned Trial Court.

9. There is no merit in this appeal and the same stands dismissed accordingly.

**(Ashutosh Kumar, J)**

**( Nani Tagia, J)**

sunilkumar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

