

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.625 of 2019

Arising Out of PS. Case No.-561 Year-2013 Thana- NAGAR District- Vaishali

Lal Babu Singh, Son of Yugal Singh, Resident of Village- Jadhua, P.S.-
Hajipur Town, District- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju @ Manjar @ Irshad Ahmad Siddiki, Son of Late Abil Miyan,
Resident of Village- Jadhua, P.S.- Hajipur Town, District- Vaishali.
3. Munni @ Munni Khatoon @ Tarannum Parween, Wife of Manju @ Manjar
@ Irshad Ahmad Siddiki, Resident of Village- Jadhua, P.S.- Hajipur Town,
District- Vaishali.
4. Md. Ehasan, Son of Jahid Hussain, Resident of Village- Jadhua, P.S.-
Hajipur Town, District- Vaishali.
5. Md. Rizwan, Son of Jahid Hussain, Resident of Village- Jadhua, P.S.-
Hajipur Town, District- Vaishali.
6. Md. Ezaj, Son of Jahid Hussain, Resident of Village- Jadhua, P.S.- Hajipur
Town, District- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satish Kumar Sinha, Advocate
For the State	:	Mr. Abhimanyu Sharma, APP
For Respondent Nos. 2 & 3	:	Mr. Vindhya Kesri Kumar, Sr. Advocate
For Respondent Nos. 4 to 6	:	Mr. Sachidanand Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 13-02-2024

Heard Mr. Satish Kumar Sinha, learned
Advocate for the appellant, who has challenged the
judgment of acquittal recorded in favour of respondents
No. 2 to 6, who are, in the present case, being



represented by Sri Vindhya Kesri Kumar, learned Senior Advocate and Mr. Sachidanand Chaudhary, learned Advocate. The State is represented by Mr. Abhimanyu Sharma, learned APP.

2. Respondent Nos. 2 to 6 have been acquitted of the charges levelled against them *vide* judgment dated 22.04.2019, passed by the learned Additional Sessions Judge-I-cum-Special Judge, POCSO Act, Vaishali at Hazipur in Sessions Trial No. 528 of 2017, arising out of Hazipur Nagar P.S. Case No. 561 of 2013.

3. A case was lodged in the year 2013 about kidnapping of the victim against the respondents by the father of the victim, who has not been examined at the trial. The victim also has not been examined at the trial. Same is the case with the I.O. of this case and that also without any explanation.

4. As the allegation stood, the victim was taken away by the respondents, either for the purposes



of forcing her to marry one of the respondents or for committing some immoral act with her.

5. Charges were framed against the respondents on 20.02.2019; whereafter seven witnesses were examined.

6. All the seven witnesses have turned hostile. They have stated that they saw the victim going in some direction alone and that the accusation against the respondents is absolutely false. The case was lodged out of property dispute.

7. Mr. Satish Kumar Sinha, learned Advocate for the appellant while assailing the judgment has submitted that the court below has shown extreme haste in concluding the case. To buttress this argument, he has submitted that the trial was concluded within a period of two months. The other argument raised by him is that no opportunity was given to either the informant or the victim to appear before the Trial Court and depose against the respondents. Lastly, it has been submitted



that the victim was examined by the doctor after a great delay. All this suggested that the prosecution had unnecessarily and unwarranted given a long rope to the respondents.

8. The age of the victim appears to be twenty years, which fact can be culled out from the evidence on record. There is no accusation of any rape against the victim.

9. The learned Advocate appearing for the respondents have further informed this Court that the victim has left for her heavenly abode.

10. Merely because the case got concluded within two months after examination of seven prosecution witnesses, it cannot be inferred that the Court trying the case had shown any haste in the matter. Even otherwise, the nature of evidence proffered by the prosecution do not make us assess the opinion of the Trial Court to be post-haste.

11. There is nothing on record which would



have resulted in any other judicial opinion than the acquittal of the respondents.

12. Thus finding no merit in this appeal, we dismiss it.

13. The appeal is dismissed.

(Ashutosh Kumar, J)

(Nani Tagia, J)

Sauravkrsinha/
Krishna-

AFR/NAFR	NA
CAV DATE	NA
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