

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.577 of 2025

Arising Out of PS. Case No.-210 Year-2015 Thana- RAJNAGAR District- Madhubani

Kumari Geeta Sinha @ Kumari Geeta Devi W/O Ram Lochan Mahto R/O
Village- Gumati No.-13, Ranti, P.S- Rajnagar, Distt.- Madhubani.

... .. Appellant

Versus

1. The State of Bihar.
2. Dayakant Mahto S/O Late Dev Krishna Mahto R/O Village- Chharapatti, P.S- Khutauna, Distt.- Madhubani.
3. Ajeet Kumar S/O Ram Parikshan Mahto R/O Village- Chharapatti, P.S- Khutauna, Distt.- Madhubani.
4. Sudhir Kumar S/O Chandrakant Singh R/O Village- Chharapatti, P.S- Khutauna, Distt.- Madhubani.
5. Draupadi Sinha D/O Lal Bahadur Shashtri R/O Village- Chharapatti, P.S- Khutauna, Distt.- Madhubani.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Gagan Deo Yadav, Advocate Mr. Vinod Kumar, Advocate
For the State	:	Mr. Binod Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 19-09-2025

The present criminal appeal has been preferred under Section 413 of the *Bharatiya Nagarika Suraksha Sanhita, 2023* against judgment of acquittal dated 25.02.2025 passed by the learned District and Additional Sessions Judge-IX, Madhubani in Sessions Trial No. 324 of 2016, arising out of Rajnagar P.S. Case No. 210 of 2015, whereby Respondent Nos. 2 to 5 have been acquitted by the learned Trial Court from the charge of Sections



341, 323, 504 and 307/34 of Indian Penal Code.

2. The prosecution case, in brief, is that on 29.09.2015, the informant was at her house writing something. At that time, the accused persons, namely, Dayakant Mahto, Draupadi Sinha, Lal Bahadur Shastri and Ajit Kumar Mahto came there with iron rods and poles in their hands. They came there by jumping over the wall of her house at 14:30 p.m. and started assaulting her on the head indiscriminately. Furthermore, the accused, Sudhir Kumar and Ajit Kumar broke the lock of her house and took away Rs. 10,000/- (Rupees Ten Thousand) from a box in her house. She then fell unconscious in her house. Thereafter, her daughter informed her relatives through mobile phone about the alleged occurrence, and they came and took her to Sadar Hospital, Madhubani.

3. On the basis of *fardbeyan* of the informant, Rajnagar P.S. Case No. 210 of 2015 was instituted under Sections 341, 323, 504 and 307/34 of Indian Penal Code and investigation was taken up by the Police. The Police after investigation submitted charge-sheet against Respondent Nos. 2 to 5 and, accordingly, cognizance was taken. Thereafter, the case was committed to the Court of Sessions. Charges were framed against the accused persons under under Sections 341, 323, 504 and 307/34 of Indian



Penal Code, to which they pleaded not guilty and claimed to be tried.

4. During the trial, the prosecution examined altogether six prosecution witnesses i.e. PW1 Ramchandra Mahto, PW2 Md. Hashim, PW3 Geeta Devi @ Kumari Geeta Sinha (informant), PW4 Dr. Rajeev Ranjan, PW5 Vidya Bhushan Singh and PW6 Puja Kumari @ Puja Singh. The prosecution has also produced certain documents which were marked as 'Exhibits' i.e., Ext.-01: signature of Geeta Devi @ Kumari Geeta Sinha on the fardbeyan, Ext.-P-2/P.W.04: signature of medical witness no. 04 Dr. Rajiv Ranjan on the Injury Report, Ext.-P-3/P.W.05: signature of SHO Vikram Kumar Jha on the formal FIR and Ext.-P-4/P.W.05: signature of S.I. Ramshankar Paswan on the application given to the Sadar Hospital for obtaining Injury Report. No witness has been examined on behalf of the defence. After closure of prosecution evidence, the statements of the accused persons were recorded under Section 313 Cr.P.C. and after conclusion of trial, learned Trial Court has acquitted the accused persons.

5. The learned Trial Court held that there was a land dispute between the family of the informant, and the accused persons. They are also related to each other and a dispute related to ancestral property is going on between both the sides. The



relevant part of Paragraph-15 of the impugned judgment is reproduced as under:-

“उक्त साक्षी के दिये गये साक्ष्य बयान यह भी स्पष्ट होता है कि अभियुक्त दयाकांत महतो इसके चाचा है व द्रौपदी देवी उसकी चाचा की बहू व उसकी भाभी है एवं अभियुक्त अजीत सिन्हा द्रौपदी सिन्हा का जीजा है व सुधीर सिन्हा द्रौपदी सिन्हा के भाई हैं। उभयपक्षों के बीच में अभी पैतृक जमीन का बंटवारा नहीं हुआ है जिसका विवाद अभी चल रह है।”

6. The learned Trial Court further held that there were contradictions in the evidence of the prosecution witnesses with respect to the manner of occurrence. PW1 in his evidence has stated that the accused Sudhir Kumar assaulted the informant with rod, however, the informant, who is PW3, in her evidence has stated that the accused Ajit Kumar assaulted her with a rod. PW1 has also stated that the informant was with Sticks and Rod, however, PW3 (informant) in her evidence has stated that she was only assaulted with rods and did not mention about sticks. Further, the height of the wall, which was jumped in the alleged occurrence, was also not proved by the prosecution. The informant, in her evidence stated that the height of the wall was 3 feet and PW1 in his evidence stated that the height of the wall was 8 feet, however, according to Police diary the height of the wall is determined to be approximately 13-14 feet.



7. The learned Trial Court further held that the prosecution could not prove that the informant was admitted to a hospital for treatment for four days. PW6, who is the daughter of the informant, has stated in her evidence that her mother was in the hospital for four days. However, no *in or out patient* number had been produced before the learned Trial Court. The learned Trial Court held that there are significant contradictions in the testimony provided by the prosecution witnesses. Also, the Injury Report does not corroborates with the allegations levelled in the FIR. Thus, the learned Trial Court acquitted the accused persons based on the evidence available on record.

8. Learned counsel for the appellant/informant submitted that PW3 (informant) gave her statement and supported the allegations made against the Respondent Nos. 2 to 5. The said informant was injured and treated at Sadar Hospital, Madhubani and injury marks have also been found on her body. He has further submitted that the other witnesses were also examined and all of them have supported the prosecution case.

9. The learned counsel for the respondent-State has submitted that there is no perversity in the judgment of the learned Trial Court, and the prosecution has failed to prove the guilt of the accused before the learned Trial Court. Therefore, the



order of the learned Trial Court requires no interference in the present case.

10. We have heard learned counsel for the appellant and the respondent-State, and have also gone through the records of the case.

11. The sole question that requires consideration by this Court is whether the impugned judgment requires any interference by this Court.

12. The allegation in the FIR by the informant was that four persons entered the house of the informant and started assaulting on her head with *lathi* and rod 'indiscriminately'. However, upon perusal of the injury report and the evidence of the Doctor, we find that there is a Single 'lacerated' injury on head of the informant (the injured) which is opined to be a simple injury. If the informant was assaulted in the manner as alleged in the FIR, the injuries would have been of grievous nature and multiple injuries would be there. However, this is not the case as the the injury report does not corroborate with the allegations made in the FIR. The informant in her evidence has stated that she was given repeated blows on her head by the accused persons, but this is also not evident from the injury report of the informant. Further, as per the evidence of the informant (the injured), the



accused Ajit Kumar assaulted on her head with rod. But PW1, in his evidence has stated that the accused, Sudhir Kumar had assaulted the injured with the rod. These, when viewed together, creates serious doubts in the manner of the alleged occurrence.

13. As per the *fardbeyan* of the informant, only the daughter (PW6) was present at the place of the alleged occurrence. Subsequently, PW2 was introduced as a witness in the trial, who claimed to be present at the place of the alleged occurrence. However, upon perusal of records and the impugned judgment, there is a contradiction in the evidence of the PW6 and PW2. PW6 states that the blood shed from the informant got on the *Sari* of the informant, but PW2 in his evidence has stated that blood was on the ground approximately 1-2 feet away from where the informant was lying unconscious after the alleged occurrence. Thus, there is a material contradiction in the evidence of the two witnesses and, as such, the prosecution has been unable to prove that PW2 was an eye-witness to the alleged occurrence.

14. Further, there are material contradiction with respect to the height of the wall, which was jumped by the accused persons. Upon perusal of the evidence of the witness and the materials on record, PW3, who is informant, states in her evidence that the height of the wall was 3 feet. PW1 in his



evidence states that the height of the wall was 8 feet. But, upon perusal of the Case Diary, it is found that the I.O. has stated that the height of the wall is approximately 13-14 feet. This is an important aspect of the manner of the occurrence which has not been proved by the prosecution in the present case. The prosecution has therefore been unable to establish the manner of the alleged occurrence. Also, the medical evidence has not supported the nature of injuries of the victim and, consequently, the manner of the alleged occurrence. Therefore, we find that the prosecution has been unable to prove the guilt of the accused persons beyond the shadow of reasonable doubts.

15. The findings recorded by the learned Trial Court do not suffer from any illegality and perversity. In a criminal case, it is incumbent upon the prosecution to prove the guilt of the accused beyond the shadow of a reasonable doubt. Wherever, any doubt is cast upon the case of the prosecution, the accused is entitled to the benefit of doubt.

16. In criminal appeal against acquittal what the Appellate Court has to examine is whether the finding of the learned court below is perverse and *prima facie* illegal. Once the Appellate Court comes to the finding that the grounds on which the judgment is based is not perverse, the scope of appeal against



acquittal is limited considering the fact that the legal presumption about the innocence of the accused is further strengthened by the finding of the Court. At this point, it is imperative to consider the decision of the Hon'ble Supreme Court in the case of **Mrinal Das vs. State of Tripura (2011) 9 SCC 479**, paragraphs 13 & 14 of which read as under:

"13. It is clear that in an appeal against acquittal in the absence of perversity in the judgment and order, interference by this Court exercising its extraordinary jurisdiction, is not warranted. However, if the appeal is heard by an appellate court, it being the final court of fact, is fully competent to reappraise, reconsider and review the evidence and take its own decision. In other words, the law does not prescribe any limitation, restriction or condition on exercise of such power and the appellate court is free to arrive at its own conclusion keeping in mind that acquittal provides for presumption in favour of the accused. The presumption of innocence is available to the person and in criminal jurisprudence every person is presumed to be innocent unless he is proved guilty by the competent court. If two reasonable views are possible on the basis of the evidence on record, the appellate court should not disturb the findings of acquittal.

14. There is no limitation on the part of the appellate court to review the evidence upon which the order of acquittal is found and to come to its own conclusion. The appellate court can also review the conclusion arrived at by the trial court with respect to both facts



and law. While dealing with the appeal against acquittal preferred by the State, it is the duty of the appellate court to marshal the entire evidence on record and only by giving cogent and adequate reasons set aside the judgment of acquittal. An order of acquittal is to be interfered with only when there are "compelling and substantial reasons" for doing so. If the order is "clearly unreasonable", it is a compelling reason for interference....."

17. In **Babu Sahebagouda Rudragoudar v. State of Karnataka**, reported in **(2024) 8 SCC 149**, the Hon'ble Supreme Court, after referring to relevant precedents, has observed as follows:-

"41. Thus, it is beyond the pale of doubt that the scope of interference by an appellate court for reversing the judgment of acquittal recorded by the trial court in favour of the accused has to be exercised within the four corners of the following principles:

41.1. That the judgment of acquittal suffers from patent perversity;

41.2. That the same is based on a misreading/omission to consider material evidence on record; and

41.3. That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.

42. The appellate court, in order to interfere with the judgment of acquittal would have to record pertinent findings on the above factors if it is inclined to reverse



the judgment of acquittal rendered by the trial court.”

18. Therefore, an order of acquittal is to be interfered with only for compelling and substantial reasons. In cases if the order is clearly unreasonable, it is a compelling reason for interference. But where there is no perversity in the findings of the impugned judgment of acquittal, the Appellate Court must not take a different view only because another view is possible. It is because the trial Court has the privilege of seeing the demeanour of witnesses and, therefore, its decision must not be interfered with in absence of strong and compelling grounds.

19. In view of the above, we do not find any illegality and perversity in the findings recorded by the Trial Court.

20. Accordingly, the present appeal is dismissed.

21. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Sachin/-

AFR/NAFR	N.A.F.R.
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