

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4687 of 2024
In
CRIMINAL APPEAL (DB) No.1089 of 2024

Arising Out of PS. Case No.-71 Year-2013 Thana- KHAJAULI District- Madhubani

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Uday Kumar Sahu Son of Shri Ramashees Sahu Resident of Village - Mangti,
Police Station - Khajauli, District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Maksudan Singh Son of Late Raj Narayan Singh Resident of Village - Tarapatti, Police Station - Khajauli, District - Madhubani
3. Hari Sudan Singh Son of Late Raj Narayan Singh Resident of Village - Tarapatti, Police Station - Khajauli, District - Madhubani
4. Niraj Kumar Son of Shri Maksudan Singh Resident of Village - Tarapatti, Police Station - Khajauli, District - Madhubani
5. Mahesh Prasad Singh Son of Shri Maksudan Singh Resident of Village - Tarapatti, Police Station - Khajauli, District - Madhubani

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Manish Kumar No 13, Advocate Mr. Rohit Kumar, Advocate
For the Respondent/s	:	Mr.Bhavesk Kumar Sah, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 27-03-2025 Heard Mr. Manish Kumar No.13, learned counsel for

the appellant and Mr. Bhavesk Kumar Sah representing the

respondent nos. 2 to 5 beside the learned APP.

2. The present application has been preferred against:

the judgment and order dated 05.07.2024
passed in Sessions Trial No. 331 of 2015
(arising out of Khajauli P.S. Case No. 71 of
2013 by the learned Additional Sessions
Judge-VIII, Madhubani whereby she has



acquitted the accused/respondent nos. 2 to 5 who were charged for the offences punishable under sections 436, 448, 341, 323, 504 and 506/34 of the Indian Penal Code without considering the prosecution evidences upon which conviction of the respondents was only option.

3. As per the prosecution story, the informant, Veena Devi (since dead) alleged that they had purchased the land in the year 1995 but on 13.08.2023, the accused persons started fencing of the area belonged to her and upon protest, they scuffled with her husband and son. When the husband and her son went to the Police Station, finding her alone, they put the house and shop of the informant on fire and it was only due to timely presence of the husband alongwith the Police, the fire was extinguished. This led to the FIR.

4. Post investigation, charge-sheet led to the trial which commenced/concluded and resulted into the acquittal of the appellant.

5. The reason given by the learned Trial Court is that P.W.-1 and P.W.-3, the husband and the son respectively are hearsay witnesses while P.W.-2, Ramchandra Sah and P.W.-4,



Sanjit Kumar Sah are the interested witnesses and as per the prosecution story, it was due to intervention of the Police and the husband/son that the fire was extinguished but the Police were not examined even the I.O. failed to turn up during the trial.

6. Considering the aforesaid facts, the Court came to the conclusion that the prosecution has not succeeded in proving the case and accordingly, acquitted them of the charges under sections 436, 448, 341, 323, 504 & 506/34 of the Indian Penal Code.

7. Aggrieved, the present appeal.

8. It is the case of the appellant that though there is/was title suit between the parties and the accused put the shop/house of the informant on fire but erroneously they have been acquitted of the charge. The further submission is that the other side has also lodged a criminal case against the appellant which to the knowledge of the learned counsel is pending.

9. Learned counsel appearing on behalf of the informant submits that the matter is of the year 2013, the lady-informant is no more, though there is/are civil dispute, both the parties want to live in harmony and in that background, their acquittal need no interference. He further submits that to create



a harmonious situation, the instruction is that they will also be taking steps for conclusion/withdrawal of the criminal cases lodged by them so that both sides have peace of mind.

10. Learned APP also supports the Trial Court’s judgment and further submits that in such cases, it would be appropriate that both sides take a joint decision to live peacefully.

11. Appreciating the stand of learned counsels representing the appellant as also the respondent nos. 2 to 5 that they want to live peacefully and shall take steps for withdrawal of pending criminal cases and finding no error in the judgment/order of the learned Trial Court, as it has rightly come to the conclusion that for want of the deposition of the Police Personnel in whose presence, the fire was extinguished, the prosecution has failed to prove the case beyond reasonable doubt, no interference is required in the order dated 05.07.2024.

12. Expecting both sides to stand by good words submitted before the Court, the appeal stands disposed of.

(Rajiv Roy, J)

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