

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4906 of 2024**

Arising Out of PS. Case No.-36 Year-2018 Thana- SC/ST District- Araria

Geeta Paswan son of Late Ganga Paswan R/o- Hansa, Dak Banglow, Paswan
Tola, Ward No.- 05 P.S.-Raniganj, District-Araria

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Dashrath Prasad Singh son of Late Ram Bahadur Singh R/o- Hansa, Dak Banglow, Ward No.- 05 P.S.-Raniganj, District-Araria
3. Awdhesh Kumar Singh son of Late Ram Bahadur Singh R/o- Hansa, Dak Banglow, Paswan Tola, Ward No.- 05 P.S.-Raniganj, District-Araria
4. Sanjay Kumar Singh son of Late Ram Bahadur Singh R/o- Hansa, Dak Banglow, Paswan Tola, Ward No.- 05 P.S.-Raniganj, District-Araria
5. Duto Singh son of Late Ram Bahadur Singh R/o- Hansa, Dak Banglow, Paswan Tola, Ward No.- 05 P.S.-Raniganj, District-Araria
6. Pappu Singh son of Awdhesh Singh @ Awdhesh Kumar Singh R/o- Hansa, Dak Banglow, Paswan Tola, Ward No.- 05 P.S.-Raniganj, District-Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhav Jha, Adv.

Mr. Nishant, Adv.

For the Respondent/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-01-2025 Heard Mr. Nishant, learned counsel for the appellant
and Mr. Usha Kumar 1, learned APP.

2. The present application has been preferred for setting aside the impugned judgment and order of acquittal dt. 9th July, 2024 passed in Spl. (S.C./S.T.) Case No. 86/2018, CIS No. 86/2018 arising out of Araria SC/ST P.S. Case No. 36/2018 by Learned Sri Manoj Kumar Tiwari, Additional District and Sessions Judge 1-Cum-Special Judge (S.C./S.T. Act), Araria. Whereby and whereunder the Respondents no. 2 to 6 have been acquitted from all the charges framed against them u/s 323, 506 of IPC and 3(1)(r),



3(1)(v) S.C./S.T. Act.

3. In this case, the prosecution examined five witnesses which are as follows:

- (i) P.W.1 Brahmdev Paswan
- (ii) P.W.2- Anil Paswan
- (iii) P.W.3- Geeta Paswan(informant)
- (iv) P.W.4- Sunita Devi
- (v) P.W.5- Runki Devi.

4. The cognizance was taken, the trial commenced before the Trial Court, the prosecution witnesses supported the prosecution theory. However, the Trial Court took note of the fact that there is a land dispute between the parties in which the learned Collector of the District gave his finding in favor of the accused and against the informant. Further, it recorded that though the FIR says that:

(i) hundreds of persons were present when the occurrence took place;

(ii) not a single person has been named;

(iii) the lady, Sunita Devi though supported the prosecution story accepted that she came at the place of occurrence after couple of minutes. Initially, she recorded her statement that the informant belongs to her community but later when the learned Trial Court inquired whether Ganga Paswan who is father of Sunita Devi is the same person whose son is the informant, Geeta Paswan, the answer was in affirmative. Further, the Court recorded that



though allegation points out that when Asha Devi, wife of the informant came to the rescue of her husband, Geeta Paswan, her modesty was outraged and she was also beaten. Surprisingly, she was not brought in the category of prosecution witness.

5. Considering all these facts as also the materials on record, the Court came to the conclusion that the prosecution failed to prove the case beyond reasonable doubt and in that background, vide an order dated 09.07.2024, the accused persons were acquitted of the charges.

6. Aggrieved, the present case.

7. The facts have been recorded, the reasons assigned. The learned Trial Court has taken pains to record the finding which took him to only one conclusion that the respondents 2 to 6 deserve acquittal of the charges as the prosecution failed to prove it beyond reasonable doubt.

8. This Court is in complete conformity with the order in question passed by the Trial Court. No relief can be extended, the petition stands dismissed.

(Rajiv Roy, J)

Vijay Singh/-

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