

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.63 of 2025

Arising Out of PS. Case No.-11 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Amarnath Ram Son of Baleshwar Ram Resident of Village- Madhopur Susta,
P.S.- Maniyari, Distt.- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Md. Naim Son of Md Kasim Resident of Village- Madhopur Susta, P.S.-
Maniyari, Distt.- Muzaffarpur
3. Md. Shanawaz Son of Md. Naim Resident of Village- Madhopur Susta, P.S.-
Maniyari, Distt.- Muzaffarpur
4. Md. Iltaf Son of Md. Naim Resident of Village- Madhopur Susta, P.S.-
Maniyari, Distt.- Muzaffarpur
5. Md. Afroj Son of Md Naim Resident of Village- Madhopur Susta, P.S.-
Maniyari, Distt.- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-02-2025 Heard the parties.

2. The present memo of appeal has been preferred:

*for setting aside the judgment and order dated
17.05.2024 passed by Spl. Judge SC/ST (POA)
Act, Muzaffarpur in spl. court Trial no. 355/2018
arising out of complaint case no. 11/17 dated
28.01.2017 made the complaint case under
section 323/341/504/506 I.P.C. & 3(1) (x)
SC/ST(POA) Act whereby and where under all
accused person have been (acquitted without*



*examination of remaining witness i.e. Amar Nath
Ram Complainant & Shila Devi Complaint
Petitioner named witness and or pass any other
order/ orders which may deems fit & proper in
facts & Circumstances of the case.*

3. As per the prosecution story, the informant alleged that on the fateful day, when he was present at his home, the accused persons came took caste name and later wanted the case to be withdrawn. When he tried to pacify the matter, they caught hold of the collar and resorted to assault and also outraged the modesty of the lady. This led to the case.

4. After the complaint so filed, the charges were framed on 02.04.2019 which led to the trial and the judgment was delivered on 17.05.2024. It resulted into acquittal of the accused persons under sections 323/341/504/506 I.P.C. & 3(1) (x) SC/ST(POA) Act giving them the benefit of doubt.

5. The reason has been assigned in para-11 of the Trial Court's order where the witness who came has recorded that he has come on the expenses of the informant and though he has come to put in his deposition when this case was lodged, he does not know about it. The Court also recorded that though the assault theory has been alleged no injury report is there. In



that background, they were acquitted of the charges.

6. Aggrieved, the present appeal.

7. It is the case of the appellant that admittedly, a case has been made out which has been ignored. The witnesses also during examination supported the story. In that background, notices be issued to the respondents.

8. Learned Spl. P.P. on the other hand opposes the prayer submitting that the Court has taken note of the fact that the witnesses who came forward are interested witnesses and even otherwise, he has no knowledge about the entire facts, further, the injury report is not there.

9. Having heard the parties and perusing the record, there is force in the submission of the learned APP. The reason has been assigned by the learned Trial Court for giving benefit of doubts to the respondents in para-11 which has been elaborately recorded above.

10. In that background, no interference is required. Both Cr. Appeal as also the Interlocutory Application stand dismissed.

(Rajiv Roy, J)

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