

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.678 of 2021**

Arising Out of PS. Case No.-118 Year-2011 Thana- BHELDI District- Saran

ANJU KUMARI D/o Bal Dev Sahni R/o village- Manpur, P.S.- Bheldi,
District- Saran

... .. Appellant

Versus

1. The State of Bihar
2. Dindyal Sahani S/o Nagina Sahani R/o village- Manpur, P.S.- Bheldi,
District- Saran
3. Rambabu Sahni S/o Dindyal Sahani R/o village- Manpur, P.S.- Bheldi,
District- Saran
4. Vidya Sharma S/o Late Ram Paras Sharma R/o village- Manpur, P.S.-
Bheldi, District- Saran
5. Akhileshwar Sharma S/o Jugal Sharma R/o village- Manpur, P.S.- Bheldi,
District- Saran
6. Raghunath Ray S/o Late Jodhi Roy R/o village- Manpur, P.S.- Bheldi,
District- Saran
7. Navin Singh S/o Muktinath Singh R/o village- Manpur, P.S.- Bheldi,
District- Saran

... .. Respondents

Appearance :

For the Appellant : Mr. Surendra Kumar Mishra, Advocate
For the Respondent-State: Mr. Manish Kumar No.2, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE PRAVEEN KUMAR)**

Date : 22-01-2026

Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.

2. The present appeal has been preferred for setting
aside the judgment of acquittal dated 25.08.2021 (hereinafter
referred to as the 'impugned judgment') passed by learned



Additional Sessions Judge VII, Chapra, Saran (hereinafter referred to as the 'learned trial court'), in Sessions Trial No. 501 of 2014, Protest Petition No. 2047 of 2012, Registration No. 10501 of 2014, arising out of Bheldi P.S. Case No. 118 of 2011. By the impugned judgment under appeal, the accused-respondent nos. 2 to 7, who were facing trial for the charges under Sections 364/34 of the Indian Penal Code (in short 'IPC'), have been acquitted.

Prosecution Case

3. One Anju Devi (PW-7) filed a complaint case against (1) Dindayal Sahani, (2) Rambabu Sahni, (3) Vidya Sharma, (4) Golu Sharma, (5) Brahmdeo Sharma, (6) Akhileshwar Singh, (7) Radhunath Ray and (8) Navin Singh, before the court of learned Chief Judicial Magistrate, Saran at Chapra, on 05.07.2010, which came to be registered as C. No. 1929 of 2010, alleging therein that her mother Gudhni Devi was murdered by the accused persons named in the petition for which her grandmother Kamla Devi, who was an old lady, lodged a case alleging that all the accused persons altogether allured her father Laldeo Sahni and got prepared a false affidavit on 25.05.2007, which they produced before the I.O. and got the case in their favour and from that time the accused persons kept her father with them. It is alleged that the complainant was aged about ten years and her younger brother was aged about eight



years. Save and except her grandmother, there was none to look after her and her brother. The accused persons had their eyes on the complainant's property and they anyhow wanted to grab her land and house. It is also alleged that after producing the affidavit, the accused persons had kept her father with them by alluring and concealing him and after best efforts, the father of the complainant could not be traced out. The complainant has firm belief that the accused persons murdered her father after kidnapping and concealed the dead body of her father. It is further alleged that with an intention to grab the land and house of the complainant, the accused persons kidnapped her father Laldev Sahani and killed him and concealed his dead body. The complainant along with her grandmother went to Bheldi police station and narrated the entire story to In-charge police station who replied that the case will be lodged after order of the court.

4. On the basis of the said complaint petition, the learned Chief Judicial forwarded the same to the Officer In-charge, Bheldi Police Station to institute an FIR, whereafter Bheldi P.S. Case No. 118 of 2011, dated 08.12.2011 came to be registered under Sections 363 and 364 IPC.

5. Upon investigation, the police submitted the final form No. 160/2011 dated 31.12.2011 finding the case not true



against the above-named accused persons. By order dated 24.02.2012/04.04.2012, the learned CJM issued notice to the complainant.

6. Thereafter, the complainant/informant filed a protest petition challenging the final form submitted by the Investigating Agency in Bheldi P.S. Case No. 118 of 2011 on 20.05.2012. Though the learned Chief Judicial Magistrate accepted the final report, however ordered for registration of the protest petition, which came to be registered as complaint case No. 2047 of 2012. Thereafter, under Section 192 Cr.P.C. the case was transferred to the file of learned Judicial Magistrate for enquiry and further proceeding, where enquiry Case No. 380 of 2012 was registered. After enquiry, learned Magistrate vide order dated 06.05.2013 found *prima facie* case against the accused persons named in the protest petition for the offence under Section 364/34 IPC and directed for issuance of summons against them. Vide order dated 30.06.2014, the case was committed to the court of sessions and transferred to the court of 4th Additional Sessions Judge, Chapra, Saran, where Sessions Trial No. 501 of 2014/1 of 2014 was registered.



7. Learned trial court vide order dated 22.08.2014 finding Golu Sharma a juvenile split off his records and sent the case for further proceeding before the Juvenile Justice Board.

8. On the same date, i.e., on 22.08.2014 also, the charges were read over and explained to the rest of the accused persons in Hindi to which they pleaded not guilty and claimed to be tried. Thereafter, the charges were framed under Section 364/34 IPC.

9. After the death of accused Bhramdeo Sharma, learned trial court vide order dated 11.01.2020, struck off his name from the records.

10. In course of trial, the prosecution examined as many as seven witnesses and exhibited one documentary evidence. The names of the prosecution witnesses and the exhibits are being shown hereunder in tabular form:-

List of Prosecution Witnesses

PW-1	Rajkali Devi
PW-2	Birendra Sahani
PW-3	Ramawadh Sahani
PW-4	Kameshwar Sharma
PW-5	Dipu Kumar
PW-6	Jayanti Sharma
PW-7	Anju Kumar (Informant)

List of Exhibit on behalf of Prosecution

Exhibit '1'	Certified Copy of the Order of Cognizance
-------------	---



11. Thereafter, the statement of the respondent nos. 2 to 7 was recorded under Section 313 of the CrPC. They took a plea that they are innocent. Defence also adduced oral and documentary evidences, which are being mentioned hereunder in tabular form:-

List of Defence Witnesses

DW-1	Chandrika Ray
DW-2	Sanjeev Kumar Singh
DW-3	Ramesh Singh
DW-4	Ramnath Singh

List of Exhibits on behalf of Defence Witnesses

Exhibit 'A/1'	Certified copy of deposition of Witness Kamla Devi in Trial Case No. 35 of 2013
Exhibit 'A/2'	Certified copy of deposition of Witness Anju Kumari in Trial Case No. 35 of 2013
Exhibit 'A/3'	Certified copy of deposition of Witness Rajkali Devi in Trial Case No. 35 of 2013
Exhibit 'A/4'	Certified copy of deposition of Witness Ramawadh Sahani in Trial Case No. 35 of 2013
Exhibit 'A/5'	Certified copy of deposition of Witness Birendra Sahani in Trial Case No. 35 of 2013
Exhibit 'A/6'	Certified copy of deposition of Witness Deepu Kumar in Trial Case No. 35 of 2013
Exhibit 'B'	Certified copy of the decision in Sessions Trial No. 35/2013
Exhibit 'C'	Certified copy of the cognizance order in Trial No. 1062 of 2016
Exhibit 'D'	Certified Copy of the final form in Bheldi P.S. Case No. 118 of 2011



Findings of the Learned Trial Court

12. Learned trial court, having considered the facts and circumstances of the case and the evidence adduced by the parties, came to the conclusion, mainly on the count that the evidence led by the prosecution witnesses are not trustworthy and inspire confidence, particularly even the date of occurrence could not be established during trial and there is no explanation for the enormous delay of three years and two month in lodging of the FIR from the date of occurrence and sharp contradictions appearing in the evidence, the history of several ongoing litigations between the parties for dispute over the property, that the prosecution has failed to prove the charges levelled against respondent nos. 2 to 7 beyond all reasonable doubts and held them not guilty of the charge framed against him. Accordingly, they were acquitted of the charges framed under Section 364/34 IPC.

Submissions on behalf of the Informant-Appellant

13. It is submitted that the learned trial court has failed to appreciate the case and has wrongly discarded the evidence of the prosecution witnesses and acquitted the accused-respondents No. 2 to 7.



Submissions on behalf of the State

14. On the other hand learned Additional Public Prosecutor for the State has submitted that the learned trial court has duly considered every aspect of the matter and rightly acquitted the respondents. There is no illegality or infirmity in the impugned judgment.

Consideration

15. We have heard learned counsel for the parties and considered the materials on record.

16. PWs 2 and 3 are the hearsay witnesses, whereas PW 4 and 6 have deposed that they were witness in all the cases lodged by Ramawadh Sahni against the accused-respondents No. 2 to 7 herein and thereby their evidence are not trustworthy.

17. So far as the evidence of PW 5, Dipu Kumar, is concerned, he is the brother of the informant (PW 7), who claims that he was eight years old at the time of the occurrence, which is of the year 2007, and while deposing before the trial court he claimed to be 11 years of age, thereby he was only three years old at the time of occurrence, which renders his evidence not reliable.

18. So far as the evidence of the informant Anju Kumari (PW 7) is concerned, she has deposed in her cross examination that she filed the case in the court 10-15 days after the date of



occurrence, whereas the complaint case was filed three years and two months after the date of occurrence. PW 7 could not even tell that whether her father was kidnapped in the year 2007 or in the year 2010. She has denied that she and other witnesses have given false evidence in the case lodged by Ramawadh Sahni against the accused-respondents and that the present complaint case was lodged at the behest of Ramawadh Sahni.

19. Similarly, so far as evidence of Rajkali Devi (PW 1), who claims to be an eye-witness to the occurrence, is concerned, she has deposed to the extent that she had only gone to the police station along with her brother (PW 2) to enquire about the victim. PW 1 has admitted that her family and the family of respondents were on litigating terms for dispute over property. She has also deposed that a written information about missing of the victim was given to the police station, which was written by PW 2, but no such written information appears to have been produced on the record in course of trial.

20. The defence witnesses, four in number, all of them have deposed that there was dispute over property between Ramawadh Sahani and the accused persons and litigations were also going on, the complainant-informant has got the present false case of kidnapping lodged at the behest of Ramawadh Sahani to



pressurize them. DW 2 has even deposed that victim was mentally unsound person though no such document in support thereof has been brought on record.

21. From the materials on record and the aforesaid discussions, it appears that the evidence led by the prosecution witnesses are not trustworthy and do not inspire the confidence of the Court. The date of occurrence could not be established during trial and there is no explanation for the enormous delay of three years and two month in lodging of the FIR from the date of occurrence. There are sharp contradictions appearing in the evidence. There is a history of several ongoing litigation between the parties for dispute over the property. The victim has not been recovered. No perversity or infirmity is found in the impugned judgment.

22. We are reminded of the judgment of the Hon'ble Supreme Court in the case of *H.D. Sundara and Ors. vs. State of Karnataka*, reported in (2023) 9 SCC 581 and *Babu Sahebagouda Rudragoudar and Ors. vs. State of Karnataka*, reported in (2024) 8 SCC 149 wherein their Lordships have laid down the principles governing an appeal against acquittal. Paragraph '8' of the judgment in the case of *H.D. Sundara* (supra) is being reproduced hereunder for a ready reference:-



“8. In this appeal, we are called upon to consider the legality and validity of the impugned judgment¹ rendered by the High Court while deciding an appeal against acquittal under Section 378 of the Code of Criminal Procedure, 1973 (for short “CrPC”). The principles which govern the exercise of appellate jurisdiction while dealing with an appeal against acquittal under Section 378 CrPC can be summarized as follows:

8.1. The acquittal of the accused further strengthens the presumption of innocence;

8.2. The appellate court, while hearing an appeal against acquittal, is entitled to re-appreciate the oral and documentary evidence;

8.3. The appellate court, while deciding an appeal against acquittal, after re-appreciating the evidence, is required to consider whether the view taken by the trial court is a possible view which could have been taken on the basis of the evidence on record;

8.4. If the view taken is a possible view, the appellate court cannot overturn the order of acquittal on the ground that another view was also possible; and

8.5. The appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible.”

23. In result, we find no reason to interfere with the impugned judgment.



24. This appeal has no merit. It is accordingly dismissed.

25. Let a copy of this judgment together with the trial court's record be sent down to the learned trial court.

(Rajeev Ranjan Prasad, J)

(Praveen Kumar, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.02.2026.
Transmission Date	10.02.2026.

