

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1111 of 2024

Arising Out of PS. Case No.-100 Year-2017 Thana- DHANAHA District- West Champaran

Motichand Ram @ Motichand Chamar, Son of Late Manadev Chamar,
Resident of Village- Bhapsa, PS- Dhanaha, Distt.- Bettiah, West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinath Kushwaha Son of Late Sukhi Kushwaha R/O- Villlage- Bhapsa, P.S.-
Dhanha, Distt.- Bettiah, West Champaran
3. Ramakant Kuswaha Son of Late Sukhi Kuswaha R/O- Villlage- Bhapsa,
P.S.- Dhanha, Distt.- Bettiah, West Champaran
4. Chhotelal Kuswaha Son of Sukhrij Kuswaha R/O- Villlage- Bhapsa, P.S.-
Dhanha, Distt.- Bettiah, West Champaran
5. Mahendra Kuswaha Son of Sukhraj Kuswaha R/O- Villlage- Bhapsa, P.S.-
Dhanha, Distt.- Bettiah, West Champaran
6. Nirmala Devi Wife of Dinanath Kushwaha R/O- Villlage- Bhapsa, P.S.-
Dhanha, Distt.- Bettiah, West Champaran
7. Isravati Devi Wife of Chhote Lal Kushwaha R/O- Villlage- Bhapsa, P.S.-
Dhanha, Distt.- Bettiah, West Champaran
8. Lilavati Devi Wife of Mahendra Kushwaha R/O- Villlage- Bhapsa, P.S.-
Dhanha, Distt.- Bettiah, West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Preeti Kumari, Advocate
For the State : Mr. Bipin Kumar, Addl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

6 01-04-2026 Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.

2. The present appeal has been filed by the victim
invoking Proviso to Section 372 of the Code of Criminal
Procedure.



3. By the impugned judgment, the learned trial court has held that the charges under Sections 323, 341 and 325/34 of the Indian Penal Code (in short 'IPC') have been proved beyond all shadow of reasonable doubts against the accused Dinanath Kushwaha, Ramakant Kushwaha, Mahendra Kushwaha and Chotelal Kushwaha. The prosecution, however, could not prove the charges under Section 504 IPC and Section 3(i)(r) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (in short 'SC/ST Act') against them. The learned trial court has further held that none of the charges have been proved against the accused Nirmala Devi, Ishrawati Devi and Lilawati Devi, therefore, they have been acquitted of the charges giving them benefit of doubt.

4. The appellant is aggrieved and dissatisfied with the judgment of acquittal of accused Nirmala Devi, Ishrawati Devi and Lilawati Devi of all the charges. He is also aggrieved and dissatisfied with the acquittal of the accused Dinanath Kushwaha, Ramakant Kushwaha, Chotelal Kushwaha and Mahendra Kushwaha of the charges under Section 504 IPC and Section 3(i)(x) of the SC/ST Act.

5. Learned counsel for the appellant submits that inadvertently in the memo of appeal as well as in the



supplementary affidavit filed on behalf of the appellant, it is stated that the learned court below acquitted the respondent nos.2, 3, 4, 5, 6, 7 and 8 of the charges under Sections 341, 323, 307 and 504/34 IPC and Section 3(i)(x) of the SC/ST Act. It is submitted that Section 307 IPC seems to have been wrongly inserted in the memo of appeal as well as in the supplementary affidavit, therefore, the same be ignored.

6. After some arguments, learned counsel for the appellant seeks permission to withdraw the appeal unconditionally.

7. Permission is granted.

8. The appeal is dismissed as withdrawn.

9. Mr. Bipin Kumar, learned Additional Public Prosecutor for the State is present.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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