

**Criminal Appeal (SJ) No. 142 OF 1995**

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Against the judgment and order of conviction dated 19.6.1994 passed in Sessions Case No. 349 of 1994 by the learned 1<sup>st</sup> Additional District and Sessions Judge, Araria.

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LAL BABU SHARMA S/O SHRI JAYANARAYAN SHARMA R/O MOHALLA KHUSKIBAGH, P.S.- SADAR, DISTRICT- PURNEA.

..... Appellant

Versus

THE STATE OF BIHAR

..... Respondent

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For the Appellant : Mr. Jagdish Pd. Bhagat Adv.

For the State : Mrs. Renu Kumari APP.

**P R E S E N T**

THE HON'BLE JUSTICE SMT. ANJANA PRAKASH

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**Anjana Prakash, J.** The appellant has been convicted under Section

366, 376 I.P.C. by the 1st Additional District and Sessions Judge, Araria in Sessions Case No. 349 of 1994 by the judgment dated 19.6.1994.

**2.** The case of the prosecution according to P.W. 3 was that she had been kidnapped by the appellant and also raped by him.

**3.** The prosecution in all examined 5 witnesses out of whom P.W. 1 is the grand father of the informant, P.W. 2 is the father of the informant, P.W. 3 is the informant herself. All the 3 witnesses have not supported the case of the prosecution and have been declared hostile, P.W. 4 is the doctor who examined the victim but did not find any signs of rape on her, P.W. 5 is a formal witness who has proved some documents.

**4.** In view of the complete paucity of any evidence against the appellant the conviction and sentence passed against the appellant by

the 1st Additional District and Sessions Judge, Araria in Sessions Case No. 349 of 1994 by the judgment dated 19.6.1994 are hereby set aside and he is acquitted of the respective charges. The appellant is discharged from the liabilities of his respective bail bonds.

**5.** In the result, the appeal is allowed.

Patna High Court,  
Patna  
Dated the 29th April, 2011  
NAFR/ Fahad.

( Anjana Prakash, J. )

