IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.482 of 2012

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Munna Kumar Son of Nand Kishore Prasad, resident of village- Dharohara, P.S.- Chiraiya, District- East Champaran

.... Appellant/s

Versus

1. The State Of Bihar
2. Munchun Sah son of Ramekbal Sah, R/o village- Dharohara, P.S.- Chiraiya, District- East Champaran

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. D.K. Tondon, Advocate
For the Respondent/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SHYAM KISHORE SHARMA
AND
HONOURABLE MR. JUSTICE AMARESH KUMAR LAL

ORAL ORDER
(Per: HONOURABLE MR. JUSTICE SHYAM KISHORE SHARMA)

4 29-06-2012 The appellant has challenged the judgment dated 1st February, 2012 passed by the learned Additional Sessions Judge VIth, East Champaran, Motihari in Sessions Trial No. 1056 of 2007 arising out of Chiraiya P.S. Case No. 35 of 2004 G.R.No. 254 of 2004 under sections 364A, 384/506 of the Indian Penal Code whereby the opposite party no. 2 was acquitted from the charges levelled against him.

The sole accused opposite party no. 2 Munchun Sah was put on trial for the offence under sections 364A, 384/506 of the Indian Penal Code on the allegation that the informant's grand son Munna Kumar aged about 8 years was kidnapped and later on Munna was released from the custody of the kidnappers after payment of ransom amount Rs. 80,000/-. Further allegation was

that nine months after the incident, accused again came to the house of the informant and demanded Rs. 25,000/- by way of Rangdari.

On perusal of the judgment it appears that the trial court after considering the various contradictions between the ocular evidence and the evidence of the I. O., the accused was held not guilty.

Learned counsel for the appellant submitted that at least conviction under section 384 IPC should have been recorded.

The trial court has given sound reason in disbelieving the testimony of ocular evidences which requires no interference of this Court. This appeal is held to be without merit and it is accordingly, dismissed.

(Shyam Kishore Sharma, J.)

(Amaresh Kumar Lal, J.)

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