

## **Saryu Prasad Singh @ Saryug Prasad Vs The State of Bihar, Abdul Aziz Mansoori, Anwarul and Ansarul**

**Court:** Patna High Court

**Date of Decision:** Sept. 28, 2011

**Acts Referred:** Penal Code, 1860 (IPC) â€” Section 379, 406, 420

**Hon'ble Judges:** Gopal Prasad, J

**Bench:** Single Bench

**Final Decision:** Dismissed

### **Judgement**

Gopal Prasad, J.

Heard learned Amicus Curiae and learned counsel for the State.

2. This appeal is directed against the order of acquittal passed by Shri Ashok Kumar Singh, Judicial Magistrate, Ist Class, Purnea, in Complaint

Case No. 486 of 1992 (T.R. No. 369 of 1997) by which he has acquitted the accused persons for offence under Sections 420, 406 and 379 of

Indian Penal Code.

3. The prosecution case as alleged that accused persons agreed to sale the land after taking part of the consideration money even during the

agreement accused persons have sold the land to another person and has not returned the money on the pretext that he will give another land. It is

further alleged that accused persons have cheated and has took the cycle and jhola.

4. On the complaint the case proceeded and during trial witnesses were examined and trial court after considering the evidence of witnesses

acquitted the accused persons on the ground that they have failed to prove the charges beyond reasonable doubt.

5. From perusal of the record and evidence of witnesses, it is apparent that alleged agreement appears to be suspicious and the date of agreement

is not specific nor there is mentioned that what was the date fixed in Ekrarnama or agreement and further there is also contradiction in snatching of

the articles.

6. Hence I do not find any merit in this appeal. Moreover, the occurrence is of the year 1991. Accordingly, this appeal is dismissed.