

FORM A

In the Court of Additional Sessions Judge-II, Aurangabad(Bihar) Present: Anindita Singh, Additional Sessions Judge-II, Aurangabad, Bihar. [Dated, 01st of April 2026] [Sessions Trial No. 144 of 2008 23 of 2026] (Arising out of Obra(Jamhore) P.S case no. 165/2003 dated 08.12.2003 lodged u/s 147, 148, 149, 323, 324, 504, 506 & 307 of I.P.C)	
Complainant	State of Bihar (through Informant Sheo Nath Mistri)
Represented by	Sri Ashok Kumar Singh, APP
Accused	1. Janardhan Mistri, aged about 75 years (A1). 2. Mukesh Mistri, aged about 42 years (A2). 3. Dinanath Mistri, aged about 43 years (A3). 4. Sanjay Mistri, Aged about 46 years (A4). 5. Dharmraj Mistri, aged about 48 years (A5). 6. Mahendra Mistri, aged about 70 years (A6).
Represented by	Sri Anil Choubey, Advocate

FORM B

Date of Offence	08.12.2003
Date of FIR	08.12.2003
Date of Charge-sheet	30.12.2003
Date of Framing of Charges	04.2.2013
Date of commencement of evidence	12.6.2013
Date on which judgment is reserved	10.3.2026
Date of the Judgment	01.4.2026
Date of the Sentencing Order, if any	N/A

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.
A1	Janardhan Mistri	2.8.2004	2.8.2004		Acquitted	N/A	N/A

A2	Mukesh Mistry	2.8.2004	2.8.2004	Sections 147, 323/149, 324, 504/149 and 148 IPC	Acquitted	N/A	N/A
A3	Dinanath Mistry	2.8.2004	2.8.2004		Acquitted	N/A	N/A
A4	Sanjay Mistry	2.8.2004	2.8.2004		Acquitted	N/A	N/A
A5	Dharmraj Mistry	2.8.2004	2.8.2004		Acquitted	N/A	N/A
A6	Mahendra Mistry	2.8.2004	2.8.2004		Acquitted	N/A	N/A

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Bhagwanti Devi	Eye witness
PW2	Tapeshwar Mistry	injured witness
PW3	Sheo Nath Mistry	Informant witness
PW4	Sumitra Devi	injured witness
PW5	Ravindra Nath Tagore	Other witness
PW6	Nandu Prajapati	Hostile witness
PW7	Amarjeet Prajapati	Hostile witness
PW8	Anil Bhagat	Hostile witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
N/A	NIL	NIL

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
N/A	N/A	NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit-1	Signature of P.W-2 on fardbeyan.
2	Exhibit-1/A	Signature of informant P.W-3 on fardbeyan.

B. Defence:

Sr. No.	Exhibit Number	Description
1.	NIL	NIL

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	NIL	NIL

D. Material Objects:

Sr. No.	Material Object Number	Description
1	NIL	NIL

J U D G E M E N T

1. The above mentioned accused persons stand charged for committing rioting, voluntarily causing hurt to informant Shivnath Mistry, Sumitra Devi, Janak Devi and Tapeswar Mistry by means of lathi, khanti etc and for using abusive language against them after forming an unlawful assembly, in prosecution of common object that assembly which are punishable under section 147, 323/149, 324, 504/149 and 148 IPC.

The occurrence is said to have taken place on 8th December 2003 at 9:00 AM at village Mahtu, PS Jamhore, District-Aurangabad.

2. The case of the prosecution which flows from the fardbeyan of the informant Sheonath Mistri recorded on 8.12.2003 at 13:20 hrs. at Jamhore police station can be gleaned into a short compass as follows:

That on 8.12.2003 the informant along with his family members was at his field for cutting paddy, meanwhile Prasad Mistry, Janardan Mistry, Deepak Mistry, Janeshwar Mistry, Kamta Mistry, Shobhan Mistry, Mahendra Mistry, Sanjay Mistry, Dinanth Mistry, Swaminath Mistry, Mukesh Mistry, Dhanraj Mistry came there equipped with lathi danda in their hands using abusive language. On protest Swaminath Mistry assaulted uncle of the informant namely Tapeswar Mistry with khanti as a result of which sustained cut injury on his left leg and Punit Mistry also assaulted him with lathi. When the informant tried to intervene then he was assaulted too by Deepak Mistry by means of iron rod due to which he sustained injury on his head and thigh. During the assault Bhabhi of informant Sumitra Devi and aunt Janak Devi also sustained injury. The cause of occurrence has been revealed in the fardbeyan as land dispute and the intention of the accused persons to grab land of the informant illegally. Hence the case.

3. On the basis of the fardbeyan of the informant a formal FIR was registered at Jamhore police station and the charge of investigation was entrusted to ASI Vijendra Yadav who after completion of the investigation submitted charge-sheet against the accused persons upon which cognizance was taken.

It is pertinent to mention here that vide order dated 25.9.12 passed in Criminal Misc. no. 43/12 the present case record was transferred to the court of Adhoc ADJ-IV on account that the counter case of the present case was pending in that court. Moving from various courts the present case record came in my court on 21.1.26. It is also worth to mention here that during the trial of the case three accused persons namely Prasad Mistry, Puneet Mistry and Shohar Mistry died and further proceedings against them was dropped vide order dated

18.11.25, 30.5.24 and 18.11.17 respectively and the case proceeded against rest six accused persons.

4. The case of the defence is denial of the entire occurrence and the accused persons have claimed innocence.

5. Now, the main point for determination arises before this court whether the prosecution has been able to substantiate the charges levelled against the accused person beyond shadow of all reasonable doubts or not?

6. In the instant case altogether eight witnesses have been examined on behalf of prosecution in support of its case. They are-

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	<i>Bhagwanti Devi</i>	<i>Eye witness</i>
PW2	<i>Tapeshwar Mistry</i>	<i>injured witness</i>
PW3	<i>Sheo Nath Mistry</i>	<i>Informant witness</i>
PW4	<i>Sumitra Devi</i>	<i>injured witness</i>
PW5	<i>Ravindra Nath Tagore</i>	<i>Other witness</i>
PW6	<i>Nandu Prajapati</i>	<i>Hostile witness</i>
PW7	<i>Amarjeet Prajapati</i>	<i>Hostile witness</i>
PW8	<i>Anil Bhagat</i>	<i>Hostile witness</i>

7. On behalf of prosecution following documents have been adduced on behalf of prosecution as documentary evidence.

Sr. No.	Exhibit Number	Description
1	<i>Exhibit-1</i>	<i>Signature of P.W-2 on fardbeyan.</i>
2	<i>Exhibit-1/A</i>	<i>Signature of informant P.W-3 on fardbeyan.</i>

8. On behalf of defence neither any oral or nor any documentary evidence has been adduced in form of rebuttal.

DISCUSSION, DECISION AND REASONS THEREOF :

9. At the outset it is worth mentioning here that a joint compromise as well permission petition dated 24.8.25 is available on the record which is properly signed by the victims, accused persons and their respective lawyers. As per the fardbeyan there are altogether four injured in this case out of which Janak Devi and Tapeshwar Mistry have died and a separate permission petition within the meaning of section 320(4) corresponding to section 359(4) (b) BNSS has also been filed by the informant. Rest two victims i.e. Shivnath Mistry as PW-3 and Sumitra Devi PW-4 in their respective cross-examinations in para no. 26, 27 and 17, 18 have supported the factum of compromise without any pressure. Section 504, 323 IPC are

compoundable in nature within the meaning of section 320 (1)/ Section 359(1) BNSS and both the victims have supported the factum of compromise also. Hence compromise petition is hereby accepted and all the six accused persons are hereby acquitted of the charges under section 323, 504/149 IPC on the basis of compromise.

Now as far as rest charges under section 147, 148, 324 are concerned, though Pw-1 who claims to be the eye witness of the case has deposed the names of all the accused persons in assaulting her family members, however she is completely silent about the weapons by which assault was made. PW-3 is the informant of the case in para no. 31 of her cross-examination has also specifically stated that the accused persons have not gathered at the alleged place of occurrence and in para no. 28 that during altercation he fall down and sustained injury. Similar is the statement of Pw-4 also in para no. 22 and 19 of her cross-examination. Rest of the witnesses who are residents of the PO village have been declared complete hostile witnesses.

10. After encompassing all the materials available on the case record it appears to this court that since the matter has been compromised between the parties outside the court the witnesses including the informant and injured have half heartedly supported the case of prosecution. As such, this court holds that prosecution has miserably failed to substantiate the charge levelled against the accused and there is absolutely no evidence against the present accused consistently the accused deserves to be acquitted.

11. Resultantly, the accused namely **1. Janardhan Mistri, 2. Mukesh Mistri, 3. Dinanath Mistri, 4. Sanjay Mistri, 5. Dharmraj Mistri and 6. Mahendra Mistri**, are hereby acquitted of the charges u/s 147, 323/149, 324, 504/149 and 148 IPC. They are on bail. So they and their bailors are discharged from liability of bail bond. They are now set at liberty.

Dictated and corrected by me

(Anindita Singh)
Addl. Sessions Judge II
Aurangabad
Date: 01.4.26

(Anindita Singh)
Addl. Sessions Judge II
Aurangabad
Date – 01.4.26

Date of Judgement/order	1.4.2026
Date of Reserving Judgement/order	10.3.2026
Uploading Date	1.4.2026
Uploaded by	Krishna Mohan