

FORM A

<i>In the Court of Additional Sessions Judge-II, Aurangabad(Bihar)</i> <i>Present: Anindita Singh,</i> <i>Additional Sessions Judge-II,</i> <i>Aurangabad, Bihar.</i> <i>[Dated, 26th of March 2026]</i> <i>[Sessions Trial No. 39 of 2019 677 of 2023]</i> <i>(Arising out of Obra P.S case no. 33/2018 dated 11.02.2018 lodged u/s</i> <i>341, 323, 325, 307, 504/34 of I.P.C)</i>	
<i>Complainant</i>	<i>State of Bihar (through Informant Sangeeta Devi)</i>
<i>Represented by</i>	<i>Sri Madan Prasad, APP</i>
<i>Accused</i>	<i>1. Jitendra Singh, aged about 60 years (A1).</i> <i>2. Anish Kumar, aged about 28 years (A2).</i> <i>3. Manish Kumar, aged about 26 years (A3).</i>
<i>Represented by</i>	<i>Sri Jitendra Kumar Singh, Advocate</i>

FORM B

<i>Date of Offence</i>	<i>11.2.18</i>
<i>Date of FIR</i>	<i>11.2.18</i>
<i>Date of Charge-sheet</i>	<i>21.4.18</i>
<i>Date of Framing of Charges</i>	<i>22.5.19</i>
<i>Date of commencement of evidence</i>	<i>27.1.20</i>
<i>Date on which judgment is reserved</i>	<i>12.3.26</i>
<i>Date of the Judgment</i>	<i>26.3.26</i>
<i>Date of the Sentencing Order, if any</i>	<i>N/A</i>

Accused Details:

<i>Rank of the Accused</i>	<i>Name of Accused</i>	<i>Date of Arrest/surrender</i>	<i>Date of Release on Bail</i>	<i>Offences Charged with</i>	<i>Whether Acquitted or convicted</i>	<i>Sentence Imposed</i>	<i>Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.</i>
<i>A1</i>	<i>Jitendra Singh</i>	<i>15.3.2018</i>	<i>15.3.2018</i>	<i>Sections 341, 323/34, 307/34, 504/34 of I.P.C.</i>	<i>Acquitted</i>	<i>N/A</i>	<i>N/A</i>
<i>A2</i>	<i>Anish Kumar</i>	<i>15.3.2018</i>	<i>15.3.2018</i>		<i>Acquitted</i>	<i>N/A</i>	<i>N/A</i>
<i>A3</i>	<i>Manish Kumar</i>	<i>15.3.2018</i>	<i>15.3.2018</i>		<i>Acquitted</i>	<i>N/A</i>	<i>N/A</i>

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	Amrit Saw	Eye witness
PW2	Sunita Devi	Eye witness
PW3	Sangeeta Devi	Informant 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 PW.2 on the written report.

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

JUDGEMENT

1. The above mentioned three accused persons stand charged for wrongfully restraining the informant Sangeeta Devi, for assaulting her by means of lathi, danda, fists and slaps with intention to kill and for using filthy language in furtherance of common intention of all which are punishable under section 341, 323, 307 and 504/34 of the I.P.C.

The occurrence is said to have taken place on 11.2.2018 at village Labdana, P.S Obra, District-Aurangabad.

2. The case of the prosecution which flows from the written report of the informant Sangeeta Devi can be gleaned into a short compass as follows:

That on the alleged date and time of the occurrence a didspute took place between the 10 years old daughter of the informant namely Rani Kumari and Luv Kumar and thereafter Jitendra Singh, Manish Kumar, Anish Kumar came at the door of the informant using filthy language and started assaulting the informant by means of lathi-danda, fists and slaps due to which the informant sustained injury over her right eye and became unconscious. Thereafter, she was brought to home by his gotini Rinku Devi and she found after gaining conscious that her Jitiya and nose pin is missing. Hence the case.

3. On the basis of the written report of the informant a formal FIR was registered in Obra police station and charge of investigation was entrusted S.I Mithlesh Kumar Singh who after completion of investigation submitted charge sheet against accused. The present case was committed to the sessions vide order dated 22.1.2019 and thereafter charge was framed and all the three accused persons were put on trial.

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

By cross-examining the prosecution witnesses and putting suggestions to them defence has tried to show and prove that to save skin from the counter case lodged by the accused persons against the informant party this false and fabricated case has been instituted by the informant.

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 three 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	Amrit Saw	Eye witness
PW2	Sunita Devi	Eye witness
PW3	Sangeeta Devi	Informant witness

7. In form of documentary evidence signature of Sangeeta Devi on written report has been adduced on behalf of prosecution which is marked as Exhibit-1.

8. PW-1 is Amrit Saw. He has stated in his examination-in-chief that on 11.2.18 at 2:30 PM while he was returning from Badhar he saw Jitendra Singh, Upendra Singh, Manish Kumar, Anish and Vikash assaulting his daughter-in-law of Sunita Devi by fists and slaps. Thereafter,

he went to the police station. On the next day again the accused persons had assaulted him his wife Bihasi Devi and son Shivkumar due to which he sustained injury on his leg and neck. During the assault Ulhasi Devi also sustained injury on her head by means of khanti and his son Shiv Kumar also sustained fracture injury on his hand.

During cross-examination in para no. 5 he has stated that accused persons had also filed a case against them. In para no. 8 he has stated that assault was made only with fists and slaps. In para no. 12 he has stated that he has voluntarily compromised the case with all the accused persons and the counter case has also been compromised between the parties.

9. **PW-2 is Sunita Devi.** She has stated in her examination-in-chief that on 11.2.18 at 2:30 PM a dispute occurred between Luv Kumar and Rani Kumari and thereafter Jitendra, Anish, Manish started assaulting Sangeeta Devi who is her gotini. Due to assault Sangeeta Devi sustained head injury and she was taken to Obra hospital for treatment. She has further identified and proved her signature on written report which has been marked as Exhibit-1

During cross-examination she has stated that she has voluntarily compromised the case with all the accused persons.

10. **PW-3 is Sangeeta Devi** who happens to be informant of the case as well as sole victim. she has stated in her examination-in-chief that the occurrence is of 11.2.18 at 2:30 PM her daughter Rani Kumari was cycling when a dispute arose and Luv Kumar started assaulting her daughter. When she was told about the occurrence then Jitendra Singh, Anish, Manish came at her door abused her and further assaulted her by fists and slaps and lathi danda due to which she sustained injury on her eye. The occurrence was told to other members of her family and case was lodged. She has further identified and proved her signature on written report which has been marked as Exhibit-2.

During cross-examination she has stated that she has voluntarily compromised the case with all the accused persons and she got treated at Obra Government hospital but didn't remain admitted there.

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

DISCUSSION, DECISION AND REASONS THEREOF :

12. Considered the materials available on the case record. As far as charges against the accused persons are concerned, the case of the prosecution as per the written report of the informant is that on the alleged date and time of occurrence the accused persons assaulted the informant by means of fist and slaps, lathi-danda with intention to kill and abused her by using filthy language.

Now at the very outset, it is pertinent to mention here that the actual words of abuse has not been stated either in the written report of the informant which is basis of the case nor the informant too as PW-3 has stated it which is essential to attract section 504 IPC. Moving further, Pw-3 the informant who is the sole victim of the case has stated about her assault at the hands of all the accused persons by means of fists, slaps, lathi and danda but the other two witnesses who are father-in-law and gotini of the informant and are the eye witnesses of

the occurrence as per their depositions have stated about the assault only by fists and slaps which clearly shows that intention of accused was not to kill the informant. Pw-1 in para no. 8 has also specifically stated that accused persons have assaulted his daughter-in-law by slaps only. Though it has been stated by the victim informant that she got treated at Obra hospital but her injury report has not been brought on the record properly by exhibiting it and the doctor who examined the victim has also not been adduced by the prosecution in support of its case. Moreover, all the prosecution witnesses have stated about factum of compromise in their respective depositions .They have also admitted the fact that counter case between the parties for the occurrence of the same date also.

13. After encompassing all the materials available on the case record it appears to me that the since the matter has been compromised between the parties, that's why the Prosecution witnesses including the informant victim has half heartedly supported the case. Therefore, I have no hesitation to hold that prosecution has failed to substantiate the charges levelled against the accused persons beyond shadow of all reasonable doubts and as such accused are entitled to be acquitted by giving them benefit of doubt .

14. Resultantly, the sole accused namely 1. Jitendra Singh, 2. Anish Kumar & 3. Manish Kumar are hereby acquitted of the charges u/s 341, 323, 307 and 504/34 of the I.P.C. 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: 26.3.26

(Anindita Singh)
Addl. Sessions Judge II
Aurangabad
Date – 26.3.26

Date of Judgement/order	26.3.2026
Date of Reserving Judgement/order	12.3.2026
Uploading Date	26.3.2026
Uploaded by	Krishna Mohan