

IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1ST-CUM- SPECIAL
JUDGE (SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)
Sessions Trial No. 80/2020

IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1ST-CUM- SPECIAL
JUDGE (SC/ST, CHILDREN & NDPS ACT)
AURANGABAD (BIHAR)

Vishwa Vibhuti Gupta

Present:- District & Additional Sessions
Judge-1st-cum- Special Judge
(SC/ST, CHILDREN & NDPS
ACT), Aurangabad (Bihar)

[Date of the Judgment:-21st. of April, 2026]

[Trial No. 80/2020]

Aurangabad(Sadar) P.S. Case No. 23/2019

C.I.S. No.-88/2019

INFORMANT	State of Bihar through Chhotu Ram
REPRESENTED BY	Shri Shakti Singh, Learned Spl. PP
<i>Versus</i>	
ACCUSED PERSONS	1. Brijmohan Singh @ Purushottam Singh, aged about 82 years, S/o Late Navrang Singh 2. Chauhan Rajkishore Singh, aged about 73 years, S/o Late Navrang Singh 3. Pankaj Singh, aged about 56 years, S/o Shamsher Bahadur Singh All residents of village-Karma Bhagwan, PS-Muffasil District- Aurangabad(Bihar)
REPRESENTED BY	Shri Sanjog Kumar Singh, Learned Counsel.

FORM B

<i>District</i>	<i>Aurangabad</i>
<i>Date of Occurrence</i>	<i>22.06.2019</i>
<i>Date of FIR</i>	<i>23.06.2019</i>
<i>Date of Charge Sheet</i>	<i>01.08.2019</i>
<i>Date of Framing of Charge</i>	<i>24.07.2025</i>
<i>Date of Commencement of Evidence</i>	<i>30.01.2026</i>
<i>Date on which judgment is reserved</i>	<i>21.04.2025</i>
<i>Date of Judgment/decision</i>	<i>21.04.2025</i>
<i>Date of the Sentencing Order, if any</i>	<i>N/A</i>

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Accused Details

Rank of the Accused persons	Name of the Accused persons	Date of Arrest/ Surrender	Date of Release on Bail	Offences Charged with	Whether Acquitted of convicted	Sentence Imposed	Period of Detention Undergone during Trail for the purpose of Section 428 Cr.P.C.
A-1	Brijmohan Singh @ Purushottam Singh	26.06.2019	26.06.2019	Section- 341/34,323/34,506/34, of the IPC and Section 3(i) (r),3(i) (s), 3(2)(va) of the SC/ST Act	Acquitted	-N.A.-	-N.A.-
A-2	Chauhan Rajkishore Singh	26.06.2019	26.06.2019		Acquitted	-N.A.-	-N.A.-
A-3	Pankaj Singh	26.06.2019	26.06.2019		-N.A.-	-N.A.-	-N.A.-

FORM C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution:

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Chhotu Kumar	Informant
PW-2	Lav Kumar Singh	Other Witness
PW-3	Radha Krishna Singh	Other Witness
PW-4	Bhikhari Rajwanshi	Other Witness

Pankaj Singh

B. Defence Witnesses, if any:

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
1.	NIL	NIL

C. Court Witnesses, if any:

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
1.	NIL	NIL

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	<u>Exhibit Number</u>	Description
1.	Exhibit-P-01	Signature of informant on the written application

B. Defence:

Sr. No.	<u>Exhibit Number</u>	Description
1	NIL	NIL

C. Court Exhibits:

Sr. No.	<u>Exhibit Number</u>	Description
1	NIL	NIL

D. Material Objects:

Sr. No.	<u>Exhibit Number</u>	Description
1	NIL	NIL

J U D G M E N T

1. The above named all the accused persons namely 1. **Brijmohan Singh @ Purushottam Singh**, 2. **Chauhan Rajkishore Singh** and 3. **Pankaj Singh** are facing trial for the offences punishable under Section-341/34, 323/34, 506/34, of the IPC and Section 3(i) (r), 3(i)(s), 3(2)(va) of the SC/ST Act. The charge was read over and explained to the accused persons in Hindi, to which they pleaded not guilty and claimed to be tried.

Prosecution Case

2. As per the written application of informant Chhotu Ram, the prosecution case is brief is that on 26.06.2019 at about 1.10 O'clock, the petitioners labours were working near village Karma at Bunia Aahar under the Govt. Scheme Din Dayal Gram Jyoti Yojna. In the meanwhile, the accused persons named in the FIR came and began to hurling caste afflict abuses. On objection, they assaulted him and abused his mother and sisters also and threatened to kill if he would lodge the case against them. It is further stated that they also assaulted the inmates of informant in presence of Asst. Executive Engineer, Rajesh Kumar. Hence, the FIR has been registered.

Investigation

3. On the basis of written petition of informant, the law was set in motion and Aurangabad(Sadar) Police Station Case No- 23/2019 dated 23.06.2019, for the offences punishable Under Section-341,323,504,506,34 of the IPC and Section 3(i)(r)(s), 3 (2) (va) of the SC/ST Act has been registered. The charge sheet no. 15/2019 Dated

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01.08.2019 was submitted against the above named accused persons for the offences punishable Under Section- **341/34, 323/34, 506/34, of the IPC and Section 3(i) (r), 3(i)(s), 3(2)(va) of the SC/ST Act.**

Trial

4. To substantiate the charges leveled against the accused persons, the prosecution has examined altogether four witnesses and adduced certain document in its behalf. The defence has not produced any evidence on its behalf.

PROSECUTION EVIDENCE

5. In order to bring home the charges, the prosecution has produced altogether four witnesses as oral evidence in its behalf. I have perused the statement of the witnesses **PW2-Lav Kumar Singh and PW3-Radha Krishna Singh**. A perusal of the statement would show that both these witnesses have been declared hostile on the request of prosecution. All the three witnesses examined by the prosecution have deposed that they donot know anything about the occurrence and has denied having witnessed the incident or having given statement to the police. The prosecution also cross-examined both these witnesses and they have not stated anything which could help the prosecution in its case.

All the witnesses in their cross-examination done on behalf of the defence, they have stated that they have no any connection with the accused persons. They know the accused persons being their co-villagers and they deposed voluntarily without any fear or favour.

6. **PW4-Bhikhari Rajwanshi**- This witness has supported the prosecution case b ut he did not know about the infjury sustaiend by anyone. His statement was recorded by the police and claims to identify the accused persons. But this witness in his cross-examination by the defence, he has stated that he did not sustain injury and he was not insulted by the accused persons taking his caste name. He has also stated that a compromise has been arrived in this case between the parties and he deosed voluntarily.
7. **Now, coming to the testimony of informant PW1-Chhotu Kumar**- He has stated in his examination-in-chief that the occurrence is of the year 2019 at about 2.30 to 3 PM and when he was working in his village in the meantime, the accused Brijmohan Singh, Pankaj Singh and other 5 to 6 persons came and assaulted the informant thereafter the case was lodged in the Police Station bears his signature over it to which he identify the same which has been marked as Ext. P-01. But the informant during his cross-examination done on behalf of the defence, he took u-turn and stated that he sustained trivial injury due to fall in the incident and did not treated himself. He knows the accused persons being his co-villagers. The informant further stated that he has compromised the case with accused persons and he has n ow no any dispute with them. The accused persons did to insult and abused taking caste slurs. He put his signature on

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the written application which was wrote by Wakil Saheb and the same ws not read over to him. He deposed voluntarily without any fear or favour.

Points for Determination

8. On the backdrop of the rival contentions urged at the bar, the main point apposite for determination and adjudication in this case is : Whether the prosecution has been able to prove the charges leveled against the accused persons beyond the shadow of all reasonable doubt or not ?

Statement of Accused

9. After closure of the prosecution evidence, the statement of accused persons has been recorded under section 313(1)(b) of the Code of Criminal Procedure, 1973 on 18.04.2026. While the defence cross-examined the prosecution witnesses to refute the charge on the inculpatory circumstances arising against them, the tone and tenor of the answers of the accused persons to the questions under section 313 (1)(b) of the Cr.PC. depicts the plea of total denial. However, it has been stated by the accused persons that they are innocent and they denied the allegation.

Arguments advanced by both sides

10. I have already heard the arguments of learned Counsels of both sides and perused the entire case record. The learned defence Counsel has strenuously argued that the prosecution has completely failed to prove this case beyond reasonable doubts. Out of total 07 witnesses listed in the charge-sheet, four (04) of them have been examined in this case. The IO and other independent witness have not appeared and the examined witnesses did not support the prosecution case. The other witnesses have denied to have any knowledge of the occurrence and they have been declared hostile. The learned defence Counsel has finally submitted that there is no evidence against the accused persons facing trial in this case. There is no direct evidence to prove the charges leveled against the accused persons. So, the accused persons deserve acquittal.

On the other hand, the Learned A.P.P. appearing for the state has argued that the witnesses have stated that the case of defence is simple denial of occurrence and false implication. The prosecution witnesses have supported the factum of the occurrence and also the prosecution case and there are sufficient materials available on the record. So, it has been prayed that the accused persons are liable for conviction.

Finding, Discussions, Decisions and Reasons thereof

11. From perusal of the depositions of these all the four(04) prosecution witnesses produced before the Court, it appears that PW2-Lav Kumar Singh and PW3-Radha Krishna Singh have been declared hostile. The other prosecution witnesses PW4-**Bhikhari Rajwanshi and the informant (PW1)** of this case have supported the

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incident during their examination-in-chief but they in their cross-examination took u-turn and deposed that there is no dispute between both the parties and compromise has been done between them. The informant sustained trivial injury and not treated himself. There is no any abuse or insult with them to take their casteism word by the accused persons, the accused persons are his co-villagers, so they identifies them. They have been amicably living to each other. It transpires from the evidences of all prosecution witnesses, no any prosecution witnesses have supported the case of prosecution. It is reveal-worthy that the prosecution is duty bound to prove the charges beyond all shadows of reasonable doubt. But, the prosecution has not be able to prove the charges beyond the reasonable doubt made against the accused persons. The evidences produced by the prosecution is pathetically insufficient to prove the guilt of the accused persons of this case.

12. In the light of above discussed facts and evidences, having considered the facts and circumstances of this case as well as evidence and other materials available on the judicial record, this Court comes to conclusion that prosecution has been miserably failed and has not been able to prove the charges against the accused persons through cogent and sufficient evidence before this Court. In the result, therefore, providing benefit of doubt, the above named accused persons are liable to be acquitted from the charges leveled against them.

Accordingly, it is hereby,

ORDERED

that the above named accused persons namely 1. **Brijmohan Singh @ Purushottam Singh**, 2. **Chauhan Rajkishore Singh** and 3. **Pankaj Singh** are hereby **acquitted** from the charges of offences punishable under sections **341/34, 323/34, 506/34, of the IPC and Section 3(i) (r), 3(i)(s), 3(2)(va) of the SC/ST Act**. They are set at liberty and their bailors are also discharge from the liabilities of their respective bail bonds. The office is directed to recall all the processes issued if any and deposit the case record in the record room as per provisions.

(Vishwa Vibhuti Gupta)

District & Additional Sessions Judge-1st-cum-
Special Judge (SC/ST, NDPS & Children Act)
Aurangabad, Bihar
Dated: 21.04.2026

Today, on dated 21.04.2026, this judgment is pronounced in open Court. The judgment is dictated, corrected, signed by me. The same is sealed and attached with the case record.

(Vishwa Vibhuti Gupta)

District & Additional Sessions Judge-1st-cum-
Special Judge (SC/ST, NDPS & Children Act)
Aurangabad, Bihar
Dated: 21.04.2026