

IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1ST-CUM- SPECIAL
JUDGE (SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)
Sessions Trial No. 195/2021

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:-25th. March, 2026]

[Trial No. 195/2021]

Aurangabad(Sadar) SC/ST P.S. Case No. 16/2021

C.I.S. No.-126/2021

INFORMANT	State of Bihar through Vyas Ram
REPRESENTED BY	Shri Shakti Singh, Learned Spl. PP
<i>Versus</i>	
ACCUSED PERSONS	1. Nagendra Kumar Singh, aged about 43 years 2. Kaushan Kumar Singh @ Pintu Kumar Singh, aged about 40 years Both sons of -Rampukar Singh, R/o vilage-Chitaurnagar, New Area, Ward No. 12, PS-Town District-Aurangabad(Bihar)
REPRESENTED BY	Shri Mukesh Kumar Singh, Learned Counsel.

FORM B

<i>District</i>	<i>Aurangabad</i>
<i>Date of Occurrence</i>	09.09.2021
<i>Date of FIR</i>	10.09.2021
<i>Date of Charge Sheet</i>	30.11.2021
<i>Date of Framing of Charge</i>	17.03.2023
<i>Date of Commencement of Evidence</i>	04.01.2025
<i>Date on which judgment is reserved</i>	25.03.2026
<i>Date of Judgment/decision</i>	25.03.2026
<i>Date of the Sentencing Order, if any</i>	N/A

**IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1ST-CUM- SPECIAL
JUDGE (SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)
Sessions Trial No. 195/2021**

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	Nagendra Kumar Singh	02.11.2021	02.11.2021	Section- 341/34,323/34,506/34 of the IPC and Section 3(i) (s), 3(2)(va) of the SC/ST Act	Acquitted	-N.A.-	-N.A.-
A-2	Kaushan Kumar Singh @ Pintu Kumar Singh	02.11.2021	02.11.2021		Acquitted	-N.A.-	-N.A.-

FORM C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

Raju Kumar Singh

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	Vyas Ram	Informant

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-1/PW.01	Signature of the 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. Nagendra Kumar Singh and 2. Kaushan Kumar Singh @ Pintu Kumar Singh** are facing trial for the offences punishable under Section-**341/34,323/34,506/34 of the IPC and Section 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 Vyas Ram, Ex-ward member, the prosecution case is brief is that on 09.09.2021 at 7.30 PM, the accused persons Nagendra Kumar Singh and Kaushal Kumar Singh @ Pintu Kumar Singh who are cousin brothers each other came at the house of informant and abused taking his cate name. Pintu Singh hold her collar of the shirt, Nagendra Singh pressed his neck with intention to kill, abused and slapped and also snatched RS. 6025/- from his pocket and fled away from their vehicle giving threatening that if he get the nomination they would kill him with his entire family members. 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) SC/ST Police Station Case No-16/2021 dated 10.09.2021, for the offences punishable Under Section-**341,323,504,379, 506 of the IPC and Section 3(i) (r)(s), 3(2)(va) of the SC/ST Act has been registered**. The charge sheet no. **21/2021**

Dated 30.11.2021 was submitted against the accused persons 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.

Charge

4. *The then Learned predecessor of this Court, after hearing both parties and perusal of material on the record, framed the charge against the accused persons on dated 17.03.2023, for the offences punishable under sections- 341/34,323/34,506/34 of the IPC and Section 3(i) (s), 3(2)(va) of the SC/ST Act. The charges were read over and explained to the accused persons in Hindi, to which they pleaded not guilty and claimed to be tried.*

Trial

5. To substantiate the charges leveled against the accused persons, the prosecution has examined altogether two witnesses in its behalf. The defence has not produced any evidence on its behalf. The brief description of the witness is being produced here for easy reference. The prosecution has produced following evidence.

Points for Determination

6. 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 ?

PROSECUTION EVIDENCE

7. In order to bring home the charges, the prosecution has produced one only witness as oral evidence in its behalf. I have perused the statement of the witnesses **PW1- Vyas Ram**-He is informant of this case. He has stated in his examination-in-chief that the occurrence is of 09.09.2021 at 7.30 PM and at that time he was sitting outside of his house. In the meanwhile, Nagendra Kumar and Pintu @ Kaushalendra Kumar Singh came and said that he is trying to make V.I.P. for which the scuffle took place. Thereafter, he gave written application bears his signature over it to the police station to which he identified his writing and signature which has been marked as Ext. P-1/PW-01. His statement was recorded by the police. He claims to identify the accused persons.

In his cross-examination done on behalf of the defence, he has stated that he has no any connection with the accused persons. He identifies the accused persons being his co-villagers. He has compromised the case with the accused persons voluntarily and they are living harmoniously to each other.

None of the accused insulted him with caste slurs. He further deposed that since the case has been settled, so he does not want to proceed with the case and on the basis of compromise he has no any objection if the case is closed. He deposed voluntarily without any fear or favour.

Statement of Accused

8. 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 25.03.2026. 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

9. 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 a total 04(four) witnesses listed the chargesheet only one witness namely Vyas Ram- Informant has been examined in this case. The informant has been examined by the prosecution but he has not supported the prosecution case. The IO and other independent witness have not been examined by the prosecution. 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

10. From perusal of the case record, it appears that in this case only one witness-informant namely Vyas Ram(PW1) has been examined by the prosecution. This witness during his examination-in-chief has supported the prosecution case but the informant during his cross-examination took u-turn and deposed that he has compromised the case with the accused persons voluntarily and they are living harmoniously to each other. None of the accused insulted him with caste slurs. He further deposed that since the case has been settled, so he does not want to proceed with the case and on the basis of compromise, he has no any objection if the case is close. The informant(PW1) has himself not supported the

IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1ST-CUM- SPECIAL
JUDGE (SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)
Sessions Trial No. 195/2021

prosecution case. It is reveal-worthy that the prosecution is duty bound to prove the charges beyond all shadows of reasonable doubt. Since the case is of the year 2021. But, the prosecution has not be able to prove the charges beyond the reasonable doubt made against the accused persons nor he produced any other witness and finally the prosecution evidence has been closed on 12.03.2016. The evidences produced by the prosecution is pathetically insufficient to prove the guilt of the accused persons of this case.

11. 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. Nagendra Kumar Singh and 2. Kaushan Kumar Singh @ Pintu Kumar 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) (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: 25.03.2026

Today, on dated 25.03.2026, 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: 25.03.2026