

**FORM A**

<b>In the Court of Additional Sessions Judge-II, Aurangabad( Bihar)</b> <b>Present: Anindita Singh,</b> <b>Additional Sessions Judge-II,</b> <b>Aurangabad, Bihar.</b> <b>[Dated, 12<sup>st</sup> of March 2026]</b> <b>[Sessions Trial No. 531 of 2024  85 of 2024]</b> <b>(Arising out of Deo P.S case no. 85/2011 dated 28.8.2011 lodged u/s</b> <b>143, 341, 323, 324 &amp; 307 IPC)</b>	
<b>Complainant</b>	<b>State of Bihar (through Informant Dharmshila Devi)</b>
<b>Represented by</b>	<b>Sri Anil Kumar-II, APP</b>
<b>Accused</b>	<b>Om Prakash Gupta, aged about 54, years (A1)</b>
<b>Represented by</b>	<b>Sri Kamlesh Kumar, Advocate</b>

**FORM B**

<b>Date of Offence</b>	<b>27.8.11</b>
<b>Date of FIR</b>	<b>28.8.11</b>
<b>Date of Charge-sheet</b>	<b>30.9.11</b>
<b>Date of Framing of Charges</b>	<b>12.1.26</b>
<b>Date of commencement of evidence</b>	<b>12.1.26</b>
<b>Date on which judgment is reserved</b>	<b>11.3.26</b>
<b>Date of the Judgment</b>	<b>12.3.26</b>
<b>Date of the Sentencing Order, if any</b>	<b>N/A</b>

**Accused Details:**

<b>Rank of the Accused</b>	<b>Name of Accused</b>	<b>Date of Arrest</b>	<b>Date of Release on Bail</b>	<b>Offences Charged with</b>	<b>Whether Acquitted or convicted</b>	<b>Sentence Imposed</b>	<b>Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.</b>
<b>A1</b>	<b>Om Prakash Gupta</b>	<b>29.9.2011</b>	<b>22.10.2011</b>	<b>Sections 341, 323, 324 &amp; 307 of I.P.C.</b>	<b>Acquitted</b>	<b>N/A</b>	<b>N/A</b>

**FORM C**

**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

**A. Prosecution**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
<b>PW1</b>	<b>Dharmshila Devi</b>	<b>Informant-cum-sole injured witness</b>

**B. Defence Witnesses, if any:**

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

**C. Court Witnesses, if any:**

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

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution:**

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

**B. Defence:**

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

**C. Court Exhibits**

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

**D. Material Objects:**

<b>Sr. No.</b>	<b>Material Object Number</b>	<b>Description</b>
1	NIL	NIL

**J U D G E M E N T**

1. The sole accused stand charged for wrongfully restraining the informant Dharmasheela Devi and for voluntarily causing her hurt with intention to kill her by means of knife which are punishable under section 341, 323, 324, 307 IPC.

The occurrence is said to have taken place on 27.8.2011 at 11:00 PM, Naya Bazar, P.S Deo, District-Aurangabad.

2. The prosecution case which flows from the fardbeyan of informant Dharamsheela Devi recorded on 28.8.11 at 12:45 PM at Naya Bazar, Deo, in short is that the informant is married with Omprakash Gupta six years ago. On 27.8.11 at 11:00 PM her husband Omprakash Gupta along with her father-in-law Lalan Prasad Gupta, mother-in-law Lalmuni Devi brother-in-law Dhiru Kumar and neighbours Pawan Kumar, Uday Singh, Jitan Tiwari, Shammi Alam, Pawan Gupta and Maksud Alam all caught her and started pressing her neck. Further her husband (A-1) gave one on knife blow to the informant due to which she

sustained cut injury on her neck. On hulla other neighbors gathered there seeing whom the accused persons fled away. Hence the case.

3. On the basis of the written report of the informant formal FIR was registered at Deo police station and charge of investigation was entrusted ASI Ram Krishna Baitha who after completion of investigation submitted charge-sheet against the sole accused finding the other accused persons named in the FIR innocent, upon which cognizance was taken. The present case was committed to the sessions vide order dated 30.5.2024 and thereafter charge was framed and sole accused was put on trial.

4. The case of the defence is denial of the entire occurrence and the accused person has 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 one witness has been examined on behalf of prosecution in support of its case. Which is-

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
<b>PW1</b>	<b>Dharmshila Devi</b>	<b>Informant-cum-sole injured witness</b>

7. No any documentary evidence has been adduced on behalf of prosecution.

8. **PW-1 Dharmsheela Devi** who is the informant of the case as well as sole victim of the case. She has stated in her examination-in-chief that occurrence is of 28.8.2011 at 12:45 PM at that time she was assaulted by her husband and ten other persons. She also got treated for her injuries.

During cross-examination she has stated that she had merely signed on fardbeyan and the contents of the fardbeyan were not read over to her and she herself also had not read it. In para no. 4 she has stated that she was coming down from the stairs with one glass bottle meanwhile she fall down and sustained injury by the glass. Nobody has assaulted her with knife. In para no. 7 she has stated that she has voluntarily compromised the case and with her husband and she has no objection in closing the case.

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

**DISCUSSION, DECISION AND REASONS THEREOF :**

10. Considered the materials available on the case record. As far as charges against the accused person is concerned it is the case of the prosecution that on the alleged date and time of occurrence the informant was assaulted by A-1 by means of knife due to which she sustained injury on her neck.

Now in this connection sole witness has been examined by the prosecution who is the informant herself. Though she has stated in her evidence that on 28.8.11 she was assaulted at the hands of her husband. However, during cross-examination in para no. 4 she has stated that she had fallen down from the stairs and sustained cut injury by the broken glasses while she was coming down the stairs. She has also stated that she merely signed on the fardbeyan and the contents of fardbeyan was not read over to her. Apart from Pw-1 no other witness residing in the neighborhood of the informant who are said to have arrived on the scene after hearing hulla have been examined by the prosecution. Neither the injury report of informant has been brought on the record nor doctor examined the informant has also been adduced by the prosecution. It appears to this court that since the matter has been compromised between the parties who are husband and wife that is why informant victim has half-heartedly supported the case of prosecution.

11. After encompassing all the materials available on the case record, this court has no hesitation to hold that prosecution has failed to substantiate the charges levelled against the sole accused person beyond shadow of all reasonable doubts and as such accused is entitled to be acquitted by giving them benefit of doubt .

12. Resultantly, the sole accused namely **Om Prakash Gupta** is hereby acquitted of the charges u/s 341, 323, 324 and 307 IPC. He is on bail. So he and his bailors are discharged from liability of bail bond. He is now set at liberty.

*Dictated and corrected by me*

(Anindita Singh)  
Addl. Sessions Judge II  
Aurangabad  
Date: 12.3.26

(Anindita Singh)  
Addl. Sessions Judge II  
Aurangabad  
Date – 12.3.26

Date of Judgement/order	12.3.2026
Date of Reserving Judgement/order	11.3.2026
Uploading Date	12.3.2026
Uploaded by	Krishna Mohan