

**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, 26<sup>th</sup> of March 2026]</b> <b>[Sessions Trial No. 526 of 2023  854 of 2023]</b> <b>(Arising out of Daudnagar P.S case no. 27/2020 dated 25.01.2020</b> <b>lodged u/s 341, 323, 504, 307/34 of I.P.C)</b>	
<b>Complainant</b>	<b>State of Bihar (through Informant Dhananjay Kumar)</b>
<b>Represented by</b>	<b>Sri Anil Kumar-II, APP</b>
<b>Accused</b>	<b>1. Sanjay Kumar, aged about 59 years (A1).</b> <b>2. Raju Kumar, aged about 32 years (A2).</b> <b>3. Munna Kumar, aged about 36 years (A3).</b>
<b>Represented by</b>	<b>Smt. Savita Kumari, Advocate</b>

**FORM B**

<b>Date of Offence</b>	<b>25.1.20</b>
<b>Date of FIR</b>	<b>25.1.20</b>
<b>Date of Charge-sheet</b>	<b>22.2.21</b>
<b>Date of Framing of Charges</b>	<b>27.9.23</b>
<b>Date of commencement of evidence</b>	<b>07.11.25</b>
<b>Date on which judgment is reserved</b>	<b>12.3.26</b>
<b>Date of the Judgment</b>	<b>26.3.26</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>
A1	<b>Sanjay Kumar</b>	19.2.2020	26.2.2020	<b>Sections 341, 323, 504, 307/34 of I.P.C.</b>	Acquitted	N/A	N/A
A2	<b>Raju Kumar</b>	5.3.2020	5.3.2020		Acquitted	N/A	N/A
A3	<b>Munna Kumar</b>	3.3.2020	3.3.2020		Acquitted	N/A	N/A

**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>
PW1	Dhananjay Kumar	Informant witness
PW2	Roshan Kumar	Hostile witness

**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	Exhibit-1	Signature of PW.1 on the written report.

**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

**JUDGEMENT**

1. The above mentioned all the three accused persons stand charged for attempting to kill informant Dhananjay Kumar and his son Raushan Kumar by means of khanti and for using abusive words against them in furtherance of common intention of all which are punishable under Sections 341, 323, 307, 504/34 of the I.P.C.

The occurrence is said to have taken place on 25.1.2020 at 5:30 PM, village-Karma Kala, P.S Daudnagar, District-Aurangabad.

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

That on the alleged date and time of the occurrence Munna Kumar (A-3) had parked his auto in front of the house of the informant which was opposed by the informant. On the opposition he started using abusive language against the informant and also called his father and brother. Thereafter, Sanjay Kumar, Raju Kumar, Vikram Kumar and Munna Kumar started assaulting the informant during which by the khanti blow given by Raju Kumar informant sustained injury on his head. Further the son of the informant namely Raushan Kumar was also assaulted by accused persons by means of lathi danda who tired to save his father. On hulla passersby gathered there seeing whom accused persons fled away after giving threatening. Hence the case.

3. On the basis of the written report of the informant formal FIR was registered at Daudnagar police station and the charge of investigation was entrusted A.S.I Arun Kumar who after completion of investigation submitted charge-sheet against four accused persons upon which cognizance was taken. Further the proceeding against the accused Vikram Kumar was dropped on account of his death and thereafter the case was committed to the court of sessions vide order dated 25.7.23 and the rest three accused persons were put on trial after framing of charge.

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 two witnesses have been examined on behalf of prosecution in support of its case. They are-

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
PW1	Dhananjay Kumar	Informant witness
PW2	Roshan Kumar	Injured witness

7. In form of documentary evidence signature of the informant on written report has been marked as Exhibit-1.

8. PW-1 is Dhananjay Kumar who happens to be the informant of the case as well as one of the injured of the case. He has stated in his examination-in-chief that the occurrence is of 2020 at 7:00 PM Munna had parked his auto in front of his house which was protested by him upon which Sanjay Kumar, Munna, Raju, Vikram had assaulted him. He had sustained injuries on his head. He has also stated that Raushan Kumar who tried to save him was also

assaulted at the hands of Munna Kumar both of them got treated at hospital. He has further identified and proved his signature on the written report which is marked as Exhibit-1.

During cross-examination he has stated in para no. 10 that accused persons are his brother and nephew. Due to fall he sustained simple injury. In para no. 12 he has stated that he cannot say by which means he got injured. Further he has stated in para no. 14 that case has been compromised between the parties.

9. **PW-2 Roshan Kumar** who is son of the informant as well as one of the injured of the case. He has stated in his examination-in-chief that the occurrence is of 5 years ago his father had fallen down after getting disbalanced during which he had sustained injury on his ear and got treated at Daudnagar hospital. He had not identified any person who assaulted his father ... This witness has been declared hostile on the request of prosecution.

During cross-examination he has stated that he had seen his father in fallen condition and today he has deposed in the court voluntarily.

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

#### **DISCUSSION, DECISION AND REASONS THEREOF :**

11. Considered the materials available on the case record. As far as charges against the accused persons are concerned it is the case of the prosecution as per the written report that on the alleged date and time of occurrence due to parking dispute the accused persons had assaulted the informant and his son by means of khanti & latjhi with intention to kill them and also using filthy language against them.

Now in this connection, at the very outset it is pertinent of mention here that both the victims have been examined in this case as PW-1 and PW-2 but neither of them have stated about use of any type of filthy language used by the accused persons at all. They are completely silent in their testimonies in this regard. Moving further, the informant of the case as PW-1 has though stated that all the three accused persons assaulted him on account of parking dispute of tempo during which he sustained injury on his head, however he has not deposed about the weapon by which he was assaulted rather in para no. 11 of his cross-examination he has stated that in the scuffle he had fallen down and sustained simple injury. Another victim of the case who has been examined as PW-2 is also silent about manner of assault and the author of assault made to his father. He has also stated nothing about any injury sustained by him also. Both the prosecution witnesses who are the victims of the case have not supported the case of prosecution. Apart from it these witnesses no any independent witness from the locality has been adduced by the prosecution and to crown all these neither the injury report of the victims has been brought on the record nor the doctor who examined the victims has been examined by the prosecution of this case. It appears to this court that since the matter has been compromised between the parties who are brothers and nephews of the victims have half heartedly support the case.

12. After encompassing all the materials available on the record, 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 .

13. Resultantly, the accused persons namely 1. Sanjay Kumar, 2. Raju Kumar & 3. Munna Kumar are hereby acquitted of the charges u/s 341, 323, 307, 504/34 of the I.P.C. 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: 26.3.26**

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

CIVIL COURT AURANGABAD

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