

IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1ST-CUM- SPECIAL
JUDGE (SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)
Sessions Trial No. 226/2025

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. 226/2025]

Deo P.S. Case No. 308/2022

C.I.S. No.- 226/2025

INFORMANT	State of Bihar through Dudheshwar Singh
REPRESENTED BY	Shri Shakti Singh, Learned Spl. PP
<i>Versus</i>	
ACCUSED PERSONS	1. Jaiprakash Kumar, aged about 20 years S/o Late Nandkishore Yadav 2. Om Prakash Kumar, aged about 26 years, S/o- Late Nandkishore Yadav 3. Manoj Yadav, aged about 38 years, S/o- Kameshwar Yadav 4. Sanoj Kumar, aged about 35 years, S/o- Kameshwar Yadav 5. Anoj Kumar, aged about 30 years, S/o- Kameshwar Yadav 6. Alok Kumar, aged about 28 years, S/o- Kameshwar Yadav 7. Janesgwar Yadav, aged about 58 years, S/o- Muni Yadav
REPRESENTED BY	Shri Manoj Kumar Mishra, Learned Counsel.

FORM B

<i>District</i>	<i>Aurangabad</i>
<i>Date of Occurrence</i>	<i>15.11.2022</i>
<i>Date of FIR</i>	<i>16.11.2022</i>
<i>Date of Charge Sheet</i>	<i>18.06.2025</i>
<i>Date of Framing of Charge</i>	<i>06.02.2026</i>
<i>Date of Commencement of Evidence</i>	<i>16.02.2026</i>
<i>Date on which judgment is reserved</i>	<i>25.03.2026</i>
<i>Date of Judgment/decision</i>	<i>25.03.2026</i>
<i>Date of the Sentencing Order, if any</i>	<i>N/A</i>

**IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1ST-CUM- SPECIAL
JUDGE (SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)
Sessions Trial No. 226/2025**

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	Jaiprakash Kumar	25.11.2022	25.11.2022	<i>Section- 341/34,323/34, 427/34, 436/34, 448/34, 506/34 of the IPC and Section 3(i) (r),3(ii) (s),3(2)(v) of the SC/ST Act</i>	Acquitted	-N.A.-	-N.A.-
A-2	Om Prakash Kumar	25.11.2022	25.11.2022		Acquitted	-N.A.-	-N.A.-
A-3	Manoj Yadav	12.02.2025	12.02.2025		Acquitted	-N.A.-	-N.A.-
A-4	Sanoj Kumar	25.11.2022	25.11.2022		Acquitted	-N.A.-	-N.A.-
A-5	Anoj Kumar	25.11.2022	25.11.2022		Acquitted	-N.A.-	-N.A.-
A-6	Alok Kumar	25.11.2022	25.11.2022		Acquitted	-N.A.-	-N.A.-
A-7	Janesgwar Yadav	25.11.2022	25.11.2022		Acquitted	-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	Dudheshwar Ram	Informant
PW-2	Umesh Kumar	Other Witness

IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1ST-CUM- SPECIAL
JUDGE (SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)
Sessions Trial No. 226/2025

PW-3	Dilkeshwar Ram	Other Witness
PW-4	Shrawan Ram	Other Witness

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:

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

B. Defence:

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

C. Court Exhibits:

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

D. Material Objects:

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

J U D G M E N T

1. The above named all the accused persons namely **1. Jaiprakash Kumar, 2. Om Prakash Kumar, 3. Manoj Yadav, 4. Sanoj Kumar, 5. Anoj Kumar, 6. Alok Kumar and 7. Janesgwar Yadav** are facing trial for the offences punishable under Section- **341/34,323/34, 427/34, 436/34, 448/34, 506/34 of the IPC and Section 3(i) (r),3(ii)(s),3(2)(v) of the SC/ST Act, to which they pleaded not guilty and claimed to be tried.**

Prosecution Case

2. As per the written application of informant Dudheshwar Ram, the prosecution case is brief is that on 15.11.2022 at 10.15 PM, Jaiprakash Kumar came at the door of informant raised hulla and abused his nephew Nitish Kumar. He also assaulted the informant with lathi-danda. Jaiprakash Kumar's cousin brother also came there and said him to set the house of informant on fire and Jaiprakash Kumar set the hosue of informant on fire due to which clothes, grains, firewood, utensils etx. were burnt to ashes. It is further alleged that Nandkishroe Yadav, Kameshwar Yadav, Om Prakash Kumar, Manoj Kumar and Alok Kumar threatened the informant that if he files the case they would burn 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 Deo Police Station Case No-308/20-2022 dated 16.11.2022, for the offences punishable Under Section-**341,323,427,436,448,504,506,34 of the IPC has been registered.** The charge sheet no. **243/2025 Dated 18.06.2025** was submitted against the accused persons for the offences punishable Under Section- **341,323,427,436,448,504,506,34 of the IPC and Section 3(i)(r)(s),3(2v) of the SC/ST Act.**

Cognizance

4. On receipt of the charge sheet, the then Learned CJM, Aurangabad, transferred the case record to this court which has been received on 16.07.2025. In the due course of transfer, this court has taken the cognizance U/ss- **341,323,427,436,448,504,506,34 of the IPC and Section 3(i)(r)(s),3(2v) of the SC/ST Act** on 20.09.2025.

Charge

5. 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 06.02.2026, for the offences punishable under sections- **341/34,323/34, 427/34, 436/34, 448/34, 506/34 of the IPC and Section 3(i) (r),3(ii)(s),3(2)(v) 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

6. To substantiate the charges leveled against the accused persons, the prosecution has examined altogether two witnesses and no any documentary evidence has been adduced 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

7. 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

8. In order to bring home the charges, the prosecution has produced altogether two witnesses as oral evidence in its behalf. I have perused the statement of the witnesses PW1-Umesh Kumar, PW3-Dilkeshwar Ram and PW4-Shrawan Ram. A perusal of the statement would show that all the 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 all the three 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.

9. **Now, coming tot he testimony of informant PW1-Dudheshwar Ram-** He has stated in his examination-in-chief that occurrence is of 3 to 3-1/2 years ago at 10 PM and at that time he was at his house. In the meantime, Jaiprakash Kumar came at his door raised hulla and when he objected then Jaiprakash Kumar started talking with his cousin brother Sanoj Kumar Yadav on phone and then he set his co-shed on fire due to which fire-wood and grains burnt to ashes. Nandkishore Yadav, Kameshwar Yadav, Om Prakash etc. threatened him on phone that if he file case they they would kill. Thereafter, he gave an application

to the Dev Police station bears his thumb impression over it. 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 knows the accused persons being his co-villagers. Further, the informant at para-5, he has stated that it was dark night at the time of incident and he did not see anyone to set the fire. The application was written by Daroga Jee and he only put his signature over it. The informant at para-7 he has stated that the accused persons did not insult him taking the caste name nor they thrashed him. The informant at para-8 has also deposed that the accused persons did not set his house on fire. He had given their name on the suspicion and when he came to know about the reality, he compromised the case with the accused persons and now there is no dispute between them and at para-9 he has also deposed that the informant has no any objection if the case is closed on the basis of compromise. He deposed voluntarily without any fear or favour.

Statement of Accused

10. 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 09.03.2026. 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

11. 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 06(six) witnesses listed in the chargesheet, total 04 (four) of them have 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 also not appeared and the examined witnesses did not support the prosecution case. 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

12. From perusal of the depositions of PW1-Umesh Kumar, PW3-Dilkeshwar Ram and PW4-Shrawan Ram would show that all the 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 all the three witnesses and they have not stated anything which could help the prosecution in its case. They know the accused persons being their co-villagers and they deposed voluntarily without any fear or favour. Now, coming to the testimony of informant(PW1), this witness of course during his examination-in-chief has supported the prosecution case but the informant in his cross-examination took u-turn and he deposed at para-5, that it was the dark night when the incident took place and he did not see anyone to set the fire. The informant at para-7 he has stated that the accused persons did not insult him taking the caste name nor they thrashed him. The informant at para-8 has also deposed that the accused persons did not set his house on fire. He had given their name on the suspicion and when the came to know about the reality, he compromised the case with the accused persons and now there is no an dispute between them and at para-9 he has also deposed that the informant has no any objection if the case is closed on the basis of compromise. This is a case of almost no evidence. It transpires from the evidences of all prosecution witnesses, no any prosecution witnesses have supported the case of prosecution including the informant. 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.

IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1ST-CUM- SPECIAL
JUDGE (SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)
Sessions Trial No. 226/2025

13. 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. Jaiprakash Kumar, 2. Om Prakash Kumar, 3. Manoj Yadav, 4. Sanoj Kumar, 5. Anoj Kumar, 6. Alok Kumar and 7. Janesgwar Yadav** are hereby **acquitted** from the charges of offences punishable under sections **3341/34,323/34, 427/34, 436/34, 448/34, 506/34 of the IPC and Section 3(i) (r),3(ii)(s),3(2)(v) 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