

FORM A

IN THE COURT OF SESSIONS JUDGE, BANKA <i>Present:- Sri Satya Bhushan Arya, Sessions Judge</i> <i>Date of Judgment:- 04.04.2026</i> Session Trial No. 1359 of 2008 <i>[Banka Police Station Case No. 105 of 2002]</i> <i>Crime:- 302, 201, 34 of IPC</i>	
<i>Informant</i>	<i>Jaynandan Manjhi son of late Puran Manjhi, resident of village-Baja, P.S.-Amarpur, District-Banka</i>
REPRESENTED BY	<i>Sri Randhir Prasad Singh, A.P.P.</i>
ACCUSED	<ol style="list-style-type: none"><i>1. Chhathu Mandal son of Late Yadu Mandal</i><i>2. Yogendra Mandal son of Late Singheshwar Mandal</i><i>3. Taniklal Mandal son of Late Yadu Mandal</i><i>4. Maniklal Mandal son of Late Yadu Mandal</i> <i>All resident of village Baja, police station Amarpur, district Banka</i>
REPRESENTED BY	<i>Sri Onkar Prasad Singh, Adv.</i>

FORM B

<i>Date of Offence</i>	<i>15.03.2002</i>
<i>Date of F.I.R.</i>	<i>22.03.2002</i>
<i>Date of Charge-sheet</i>	<i>09.09.2002</i>
<i>Date of Framing of Charges</i>	<i>31.08.2010</i>
<i>Date of commencement of evidence</i>	<i>25.09.2010</i>

<i>Date on which judgment is reserved</i>	<i>Nil</i>
<i>Date of the Judgment</i>	<i>04.04.2026</i>
<i>Date of the Sentencing Order, if any</i>	<i>Nil</i>

Accused Details

<i>Rank of the Accused</i>	<i>Name of Accused</i>	<i>Date of Arrest</i>	<i>Date of Release on Bail</i>	<i>Offences Charged with</i>	<i>Whether Acquitted or convicted</i>	<i>Sentence Imposed</i>	<i>Period of Detention Undergone during Trial for purpose of section 428 Cr.P.C.</i>
<i>1</i>	<i>Chbathu Mandal</i>			<i>302/34, 201/34 of IPC</i>	<i>Acquitted</i>		
<i>2.</i>	<i>Taniklal Mandal</i>			<i>302/34, 201/34 of IPC</i>	<i>Acquitted</i>		
<i>3.</i>	<i>Maniklal Mandal</i>			<i>302/34, 201/34 of IPC</i>	<i>Acquitted</i>		
<i>4.</i>	<i>Jogendra Mandal</i>			<i>302/34, 201/34 of IPC</i>	<i>Acquitted</i>		

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</i>
<i>PW 1</i>	<i>Chhanguri Manjhi</i>	<i>Hearsay witness</i>
<i>PW 2</i>	<i>Mangal Manjhi</i>	<i>Hearsay witness</i>

PW3	Noonmani Manjhi	Interested witness
PW4	Jainandan Manjhi	Informant

B. Defene Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW 1	Nil	

C. Court Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW 1	Nil	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1	Exhibit-1	Signature of Nunumani Manjhi and Jainandan Manjhi on fardbeyan
2	Exhibit-2	Signature of Jainandan Manjhi on protest petition dated 06.06.2002

B. Defence:

Sr. No.	Exhibit Number	Description
1	Nil	

C. Court Exhibits

Sr. No.	Exhibit Number	Description
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1	Nil	
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D. Material Objects

<i>Sr. No.</i>	<i>Material Object Number</i>	<i>Description</i>
1	Nil	

J U D G M E N T

1. *The above named accused persons are facing trial upon an FIR lodged under Sections 302, 201, 34 of IPC, which is based upon a fardbeyan given by one Jaynandan Manjhi with the allegations that on 15.03.2002, he had come to Banka court along with his father Puran Manjhi for compromise in Complaint Case no. 542(c) of 1988, filed by his father against Chhathu Mandal and others. After compromise, at about 03:30 pm, he tried to see his father for going back to home but could not see. Then, he went to his home but his father was also not there. On 22.03.2002, at about 08:00 am, he received an information that a dead body has been found in the pond. When he went there, he saw that his father was murdered by cutting hands and legs and was thrown in the water and the body was stinking. There was dispute of 32 acre land with*

Chhathu Mandal, Sarjan Mandal, Tanik Mandal, Manik Mandal and Anil Mandal etc. and for that his father filed a case in the year 1988. He suspected that above named accused persons murdered his father with sharp edged weapons and threw his dead body in water.

2. *On the application, Banka Police Station Case No. 105 of 2002, under Sections 302, 201, 34 of IPC was lodged and investigation commenced thereon. After completion of investigation, the Investigating Officer filed final form no. 165 of 2002, dated 09.09.2002, as not charge sheeted for want of evidence.*
3. *On 16.08.2004, learned Chief Judicial Magistrate, Banka after going through the materials on record including protest petition as well as the case diary took cognizance against accused persons, namely, 1. Chhathu Mandal, 2. Sarjan Mandal, 3. Taniklal Mandal, 4. Maniklal Mandal, 5. Anil Mandal, 6. Yogendra Mandal, under Sections 302, 201, 34 of IPC and committed the case to the Court of Sessions on 07.11.2008.*

4. On 31.08.2016, charges were framed against four accused persons under Sections 302/34, 201/34 of IPC, which were read over and explained to the accused in vernacular language, for which they pleaded not guilty and claimed to be tried. Vide order dated 14.02.2025 and 07.08.2025, the proceeding was dropped against accused Sarjan Mandal and Anil Mandal.

5. In order to prove its case prosecution examined as much as three witnesses : -

PW1 Chhanguri Manjhi, appeared in the witness box and in his examination-in-chief he stated that this incident took place on 15th of 2003. He could not remember the month. He stated that for compromise, Chhathu Mandal, Sarjan Mandal, Maniklal Mandal, Taniklal Mandal, Anil Mandal, Jogendra Mandal took Puran Manjhi to the Banka Court. Puran Manjhi did not come back home. After two-three days, they started tracing him. He further stated that on 22nd day, the dead body of Puran Manjhi was found in the pond of Desra Basti. His hand, legs and throat were slit, which were stinking. Then, the police came there and

took the dead body to the police station. The dead body was sent for postmortem. Upon doubt, it was suspected that the accused had taken Puran Manjhi and slayed. It is stated that he had not seen the incident. There was previous land dispute. In cross-examination, he stated that Puran Manjhi was his relative. He further stated that Puran came for compromise in the case filed for theft of paddy crop. He had not come with him. He further stated that on that day Puran Manjhi came for compromise, except Jogendra Mandal all accused were in the jail. They were emancipated between 2:00 to 2:30. He did not reply to the question that all the accused were emancipated at 04:30 in the evening from Banka jail. He stated that on that day, when Puran Manjhi came to the court for compromise, on that day he himself was at home and there was no talk with Yogendra Mandal from morning to evening of that day. He stated that Puran Manjhi was previously a mental patient. On that day, he was not a mental patient. He did not lose his senses. Puran Manjhi's son Jaynandann Manjhi had not told him that his father loses his sense. He stated that Jaynandan Manjhi and

Nonmani Manjhi had told him that his father had gone to compromise but did not come back. He could not reply that whether the accused came to home or not till the time? He did not told to Jai Nandan to file any complaint before police if his father was not traced. He denied suggestions that he does not know anything and he has given false deposition at the behest of informant.

PW2 *Mangal Manjhi appeared in the witness box and in his examination-in-chief he stated that it is an incident of 15th of March, 2002. It is stated that Chhathu Mandal had taken Puran Mandal for compromise and took him back on first day, on first appearing. Again, on 15th day, he took Puran Manjhi to Banka Court for compromise with Chhathu Mandal, Sarjan Mandal, Taniklal Mandal, Maniklal Mandal, Anil Mandal. They took Puran here. They went to jail on first day and on second day, when they came, then Puran Manjhi became disappeared and did not come back. He further stated that when the accused came to home, then Puran Manjhi was not with*

them. Jainandan Manjhi, Nunu Manjhi started searching Puran Manjhi but could not find. On 22nd day, the dead body of Puran Manjhi was found in Desda Dand. His one hand and one leg were slit, which were stinking. He further stated that the SHO sent Chowkidar and brought the dead body. Jai Nandan Manjhi told to in-charge of police station around three days ago, his father was taken by Chhatu Mandal, Tanak Lal, Sarjan Mandal, Manaklal, Anil Mandal for compromise. He further identified Chhathu, Tanak Lal, Manak Lal, Anil Mandal, Sarjan Mandal, Yogendra Mandal present in the court. In cross-examination, he stated that his statement was not recorded by the police. Whatever he said was informed by Jainandan Manjhi. He was questioned that was between 07.03.2002 to 15.03.2002, in the evening at 4:30-05:00, except Yogendra Mandal all other accused were in jail? He replied to the question that they were previously in jail but he does not know on what time they were emancipated from jail. He further stated that the dead body of Puran was found in the canal of Desda village. He described the boundary of place of occurrence. He does not

know who went with Puran. He further stated that no one has told him to give deposition. He said that based on a guess.

PW3 *Noonmani Manjhi, who is none else but son of deceased, appeared in the witness box and in his examination-in-chief he stated that it is an incident of 15.03.2002. His father had gone to court for compromise with Chhathu Mandal, Sarjan Mandal, Tanaklal Mandal, Manaklal Mandal and Anil Mandal along with Jaynandan Manjhi in case no. 542 of 1988. After compromise, the accused were emancipated and at about 03:30 pm, they disappeared his father from the court premises. He further stated that his brother Jaynandan Manjhi tried to trace his father but could not find. Accused persons told Jaynandan Manjhi that Puran Manjhi had gone to home. When his brother went to home, Puran Manjhi was not found there. Accused persons told to do compromise they will reach his father home but did not come. He further stated that he told accused persons that they took his father but did not reach him to home. But, accused persons did not went to search Puran Manjhi. He*

further stated that on 17.03.2002, his brother informed to Banka police station. After seven days, his dead body was found in Singarpur joint. His hands and legs were slit. His brother and he intimated the Banka police. Then, the police recovered the dead body. His brother Jaynandan Mandal recorded his statement before the police and he also signed it. He further identified his signature and his brother's signature, which is exhibited as Exhibit-1. He further stated that in the murder of Puran Manjhi, there is hand of Chhathu Mandal, Sarjan Mandal, Tanaklal Mandal, Manaklal Mandal and Jogendra Mandal. He raised suspicion that they murdered his father. He further identified the accused persons present in the court. In cross-examination, he stated that his statement was recorded by the police. He further stated that from 07.03.2002 to 15.03.2002, all the accused Chhathu Mandal, Sarjan Mandal, Tanaklal Mandal, Manaklal Mandal, Anil Mandal were in jail before 01:00 pm. They themselves told that they came out from jail at 01:00 pm. They came from jail in police custody in case no. 542/88. It was a complaint case, which was filed by his

father. He denied the suggestion that except Jogendra Mandal all the accused were emancipated on 15.03.2002 at 04:30 to 05:00 pm. He denied suggestion that he has given false deposition to implicate accused persons. He further denied suggestion that in case no. 542/88, on 15.03.2002, accused Yogendra mandal did not come to court and he was in village. He further stated that there was dispute of 32 acres land between his father and the accused persons. He further stated the disputed land was managed by his father on the oral order of Ram Prasad Das. He further stated that he has no knowledge that there was title suit pending or not inter-se Ram Prasad Das and Ram Charan Das. He denied the suggestion that Ram Prasad Das was never head of Bajagacchi Kabir Math. He denied suggestion that Mahesh Das was ordered to be the head of that Math after Ram Charan Das. He further denied suggestion that he has given false deposition to implicate the accused.

PW4 *Jaynandan Manjhi appeared in the witness box and in his examination-in-chief stated that he is informant of this case.*

These are incidents of two days of 15.03.2002 and 22.03.2002.

On 15.03.2002, his father was taken in court for compromise by Chhathu Mandal, Sarjan Mandal, Tanaklal Mandal, Manaklal Mandal and Anil Mandal. They took signature of his father on compromise petition. Thereafter, he and his father taken food and his father was sitting in the court premises. On 15.03.2002, after compromise the accused were emancipated from the jail. All accused-persons took Puran Manjhi in a vehicle. When he reached back home, he did not see his father. He tried to trace his father and also went to the house of accused persons but the accused-persons denied anything about his father. Then, he started tracing his father. On 22.03.2002, he came to know that a dead body is lying in the Sigarpur. When he went there, he identified dead body as his father, whose hand and leg were slit and face was destroyed with acid. He intimated to police. The police came and recorded his statement and he signed the statement. He told the police that the accused persons have murdered his father. The reason of the incident is that there was land dispute inter-se father and accused-persons.

He identified the signature on his fardbeyan, which is Exhibit-1.

He stated that he had also filed a protest petition for unbridled.

He identified his signature on the protest petition, which is exhibit no. 2. He identified the accused who present in the court. In cross-examination, the witness stated that in his fardbeyan he stated before the police that accused persons had taken his father from the court premises. He stated before the police about the case filed by his father against accused persons but he does not know that he stated about the case number. His father had levelled allegation of mugging paddy against the accused persons in that case. The five accused-persons Chhathu Mandal, Sarjan Mandal, Tanaklal Mandal, Manaklal Mandal were in jail except Jogendra Mandal. On 15.03.2002, the accused was come to court from Jail. They were emancipated from jail at about 04:30 to 05:00 pm. He further stated that he did not state in his fardbeyan that after compromise he at 03:30 pm started searching his father for going home but could not see. He volunteered that the police had wrongly written his statement for which he filed a protest petition. Then, he stated that on

15.03.2002, accused persons took his father to Banka Court for compromise. He said that he has given his statement to police that the accused persons got signature of his father on compromise. After that he fed his father and sit him in the court premises and on 15.03.2002, after compromise accused persons were emancipated from jail. When he sit to take food, then accused persons took his father in a vehicle. Then, he tried to trace his father and when he went to the house of accused persons, they showed their inability to know. He stated before the police that when he saw the dead body of his father, it looked like acid had been thrown on his face. He had not stated before the police that he intimated the police at the behest of Mukhiya. He stated that he had told police that his father has been murdered by the accused persons. He stated that in the court premises, on the date of incident, he took meal after sunset. He had finished his meal in 15 minutes. He does not know the name of the hotel in which he had taken meal. He further stated that he had taken Samosa in his meal. He does not know that the hotel in which he had taken meal is still

there today or not. He does not know the name of the owner of that hotel. He further stated that in that complaint case Yogendra Mandal was not accused. He further stated that there was dispute of 32 acres land inter-se his father and accused-persons. He showed his inability to know and then stated that the accused persons Chhathu Mandal, Sarjan Mandal, Tanaklal Mandal, Manaklal Mandal, Anil Mandal were in jail since 07.03.2002 and on 15.03.2002, they were brought the court and, after that, they were emancipated in the evening. It is said that he has given statement before DSP and he had not said that his father was mentally sick. It is said that he had made complaint for wrong recording his statement by the police. It is said that he had not told police that day at 03:30 pm, he was tracing his father in court but could not trace and, thereafter, he went to home and started searching his father. He denied the suggestion that on the basis of false suspicion he falsely implicated the accused persons. He denied suggestion that on 15.03.2002, he had not seen Yogendra Mandal in court.

Thereafter, despite availing a number of effective adjournments the prosecution could not adduce any evidence and could not produce any other witness. Ultimately, vide order dated 26.08.2025, the prosecution evidence was closed.

- 6. The statement under Section 313 of the CrPC was also recorded on 03.09.2025 wherein the accused persons admitted having heard the evidence against them, however, denied any truth therein and pleaded themselves as innocent.*
- 7. Learned Additional Public Prosecutor in his oral arguments submitted that all the witnesses have in unison well proved the guilt of accused persons. In the last, he prayed for conviction.*
- 8. In counter force, learned counsel for defense in his oral arguments submitted that PW1 has stated that it is an incident of 2003, whereas the case was lodged in the year 2002. Learned counsel for the defense further drew attention of the court on para no. 3 of the PW2 who stated about five accused persons, whereas there are six accused persons. Learned counsel for the petitioner also drew attention of court on para no. 9 of PW2,*

wherein he stated that he is deposing on guess. It is further argued that PW3 in his deposition also named five persons. Attention of the court is drawn on para no. 11 of cross examination of PW4, wherein it has been stated that Jogendra Mandal was not in jail. It is further argued that no I.O. has been examined. It is argued that no doctor has been examined. It is argued that neither postmortem report nor death certificate has been proved. In this way, the accused persons cannot be convicted only for mere suspicion.

9. *Heard rival submissions and perused the record.*

10. *Conclusion :-*

(i) This is a case wherein a human has been slayed. As per prosecution version, the father of informant was having a case no. 542/ 88, pending against accused persons. He was called for compromise and accordingly he went to Court, gave his statement. The accused persons who were in jail were emancipated on the statement of deceased. They came out and took the father of informant with

them in a vehicle. But he did not reach home and after seven days his body was found in a pond. His hand, leg etc. were slit.

(ii) To prove its case, the prosecution examined four witnesses :-

PW 1 Chhanguri Manghi, who in his examination in chief stated that they suspected Puran Manjhi was slayed by the accused persons.

PW 2 Mangal Manjhi, in 5th line of his cross examination stated that he is deposing on the basis of information given to him by Jainandan Manjhi.

PW 3 Noon Manjhi, who is son of deceased Puran Manjhi, but was not with him in the Court, therefore, he himself did not see the deceased going with the accused persons.

PW 4 Jaynandan Majhi, is also son of deceased Puran Manjhi, he is the person who allegedly last seen his father

Puran Manjhi with the accused persons. Who in his examination in chief stated that the accused persons after their emancipation from jail took his father with them in a vehicle. And in the evening when his father did not return home, he asked from the accused persons, they denied having known anything and did not cooperate in finding him.

This is the sole persons who has allegedly last seen his father with the accused persons. But his different versions create doubt.

(a) He in his examination in chief stated that the accused were brought from the jail for statements, then they were emancipated from jail in the evening at 4 – 5 pm. The witness could not explain as to what they were doing in the court, till the accused came from jail after their emancipation.

(b) In fard byan, said Jaynanand Manjhi stated that after compromise at about 3:30 pm he looked for his father, but could not find him.

Now from the above two statements, one is that the accused were emancipated from jail at 4-5 pm and they took his father with them; and the other is that after 3:30 pm he looked for his father and could not find him. These are two different versions.

(iii) Then in the fard byan he has nowhere stated that his father was taken by the accused persons in a vehicle. In fard byan he only suspected that his father has been slayed by the accused persons.

*Even if the above version be set aside, the doctrine of last seen theory alone is not a conclusive proof of guilt and must be supported by other evidence, such as forensic evidence or motive, to avoid acquittal (**Jabir Versus State of Uttarakhand, 2023 SCC OnLine SC 32**)*

- (iv) *The prosecution has not examined post mortem report of Puran Majhi, which is an important document in these kind of cases.*
- (v) *The prosecution has also failed to examined Investigating officer in this case, despite availing a number of effective adjournments, albeit it is always not fatal to the case of prosecution. But for corroboration it was must to be examined.*
- (vi) *Even the compromise or statement of the deceased in the court in case no. 542 (C)/ 1988 on the day of his disappearance has not been produced on record by the prosecution.*

As a sequel of above discussions, this court after ruminatively cogitating over the entire facts, circumstance, evidence on record has come to the conclusion that there is no evidence which may prove the guilt of the accused persons, resultantly the above named accused persons are acquitted of the charges levelled against them. Since, the accused persons named above are

enjoying the privilege of bail, they and their sureties are discharged from the liability of the bail bonds.

Record be consigned to the record room after due compliance.

Dictated, Corrected and Pronounced by :-

***Satya Bhushan Arya
Sessions Judge, Banka
Dated- 04.04.2026***

This judgment contains twenty three pages, all are signed by me.

***Satya Bhushan Arya
Sessions Judge, Banka
Dated- 04.04.2026***

<i>Date of Judgment/ Order</i>	
<i>Date of Reserving Judgment/ Order</i>	
<i>Uploading Date</i>	
<i>Uploaded by</i>	