

FORM A

IN THE COURT OF SESSIONS JUDGE, BANKA <i>Present:- Sri Satya Bhushan Arya, Sessions Judge</i> <i>Date of Judgment:- 25.03.2026</i> Session Trial No. 226 of 2021 <i>[Amarpur Police Station Case No. 237 of 2020]</i> <i>Crime:- 341, 323, 307, 379, 504, 506/34 of IPC</i>	
<i>Informant</i>	<i>Indrajeet Choudhary son of Shaligram Choudhary, resident of village Rampur, police station Amarapur, district Banka</i>
REPRESENTED BY	<i>Sri Randhir Prasad Singh, A.P.P.</i>
ACCUSED	<i>1. Gulshan Kumar Choudhary son of Santosh Kumar Choudhary 2. Anand Kumar @ Anand Raj son of Angad Choudhary 3. Rabish Kumar Choudhary @ Rabi Shankar son of Amar Choudhary 4. Ankit Kumar Choudhary son of Anil Prasad Choudhary, all resident of village Rampur, police station Amarapur, district Banka</i>
REPRESENTED BY	<i>Sri Vijay Kumar, Advocate</i>

FORM B

<i>Date of Offence</i>	<i>12.05.2020</i>
<i>Date of F.I.R.</i>	<i>13.05.2020</i>
<i>Date of Charge-sheet</i>	<i>31.12.2020</i>

<i>Date of Framing of Charges</i>	23.09.2021
<i>Date of commencement of evidence</i>	30.09.2021
<i>Date on which judgment is reserved</i>	Nil
<i>Date of the Judgment</i>	25.03.2026
<i>Date of the Sentencing Order, if any</i>	Nil

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>
1	Anand Kumar @ Anand Raj			341/34, 323/34, 307/34, 504/34, 506/34	Acquitted		
2	Gulshan Kumar Choudhary			341/34, 323/34, 307/34, 504/34, 506/34	Acquitted		
3	Ankit Kumar Choudhary			341/34, 323/34, 307/34, 504/34, 506/34	Acquitted		

4	<i>Rabish Kumar Choudhary @ Rabi Shankar</i>			<i>341/34, Acquitted 323/34, 307/34, 504/34, 506/34</i>		
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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>Indrajeet Choudhary</i>	<i>Hostile Witness</i>
<i>PW 2</i>	<i>Indrajeet Choudhary</i>	<i>Informant</i>
<i>PW3</i>	<i>Omprakash Choudhary</i>	<i>Hostile Witness</i>
<i>PW4</i>	<i>Ranjit Choudhary</i>	<i>Hearsay Witness</i>
<i>PW5</i>	<i>Daksha Kumar</i>	<i>Interested Witness</i>

B. Defene Witness, if any:

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS</i>
<i>DW 1</i>	<i>Nil</i>	

C. Court Witness, if any:

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS</i>
<i>CW 1</i>	<i>Nil</i>	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

<i>Sr. No.</i>	<i>Exhibit Number</i>	<i>Description</i>
<i>1</i>	<i>1</i>	<i>Signature of informant on the written report</i>

B. Defence:

<i>Sr. No.</i>	<i>Exhibit Number</i>	<i>Description</i>
<i>1</i>	<i>Nil</i>	

C. Court Exhibits

<i>Sr. No.</i>	<i>Exhibit Number</i>	<i>Description</i>
<i>1</i>	<i>Nil</i>	

D. Material Objects

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

J U D G M E N T

- 1. The above named accused persons are facing trial before this court, upon an FIR lodged under Sections 341, 323, 307, 379, 504, 506/34 of IPC, which is based upon an application filed by one Indrajeet Choudhary with the allegations that on 12.05.2020, at about 09:00 am, his son Daksha Kumar was coming back home. In his way, accused 1. Anand Kumar, 2.*

Gulshan Kumar Choudhary, 3. Ankit Kumar Choudhary, 4. Rabish Kumar Choudhary intercepted his son and they snatched his bicycle. When his elder son Sagar Choudhary came and tried to make them understand, there was argument between them. On hearing ruckus, he along with his brother came and tried to make them understand, upon which Anand Kumar gave a blow of blackjack on his head, resultantly his head ruptured. They all having blackjack and stick abused and attacked on head. When his both sons yelled, they snatched his gold chain and fled by threatening that if he filed any complaint, he with his whole family would be slayed.

- 2. On the application, Amarpur Police Station Case No. 237 of 2020, under Sections 341, 323, 307, 379, 504, 506/34 of IPC was lodged and investigation commenced thereon. After completion of investigation, the Investigating Officer filed charge-sheet no. 458 of 2020, dated 31.12.2020, against all the FIR named accused persons, under sections 341, 323, 307, 504, 506/34 of IPC.*
- 3. On 17.03.2021, learned Chief Judicial Magistrate, Banka after going through the materials on record as well as the case diary and charge-sheet took cognizance against the charge-sheeted accused under Sections 341, 323, 307, 504, 506/34 of IPC and committed the case to the Court of Sessions on 15.09.2021.*

4. On 23.09.2021, charges were framed against the accused persons under Sections 341/34, 323/34, 307/34, 504/34, 506/34 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.
5. In order to prove its case prosecution examined as much as five witnesses : -

PW1 Indrajeet Choudhary, appeared in the witness box and in his examination-in-chief he outrightly denied having known anything about the incident. He stated that the police had not enquired from him. On the request of prosecution, this witness was got declared hostile, however the prosecution could not excavate anything fruitful to its case by cross-examining its own witness.

PW2 Informant Indrajeet Choudhary, appeared in witness box and in his examination-in-chief stated that the incident took place about one year ago. It was 9 O'clock in the morning. He was feeding cattle. His son was coming on bicycle. In the way, Anand Kumar, Gulshan Kumar, Rabish Kumar and Ankit Kumar surrounded his son and demanded his bicycle, otherwise they pushed him inside the vehicle upon which they started attacking him. He further stated that Anand Kumar gave a blow of blackjack on his head, resultantly his head ruptured and

blood started oozing. He was treated in Amarpur hospital. He gave information about the incident in Amarpur police station. He narrated the incident there. The police wrote the application. The application was read over to him and he signed thereon. He further identified his signature which is exhibited as Exhibited as Exhibit-1. He further identified accused Rabish Kumar Choudhary present in the court and claimed to identify other accused on seeing them. In cross-examination, the witness stated that all the accused are his family members. He has no enmity with them. There was joshing among children in which his son complained. At that time, there were many people gathered there. He could not see what hit him on the head. He could even not see how he sustained injury. His injury is simple. He further stated that they have compromised happily with all of them. He also signed on the compromise application. He has no complaint with accused persons at present.

PW3 *Omprakash Choudhary, appeared in the witness box and in his examination-in-chief he outrightly denied having known anything about the incident. He stated that the police had not enquired from him. On the request of prosecution, this witness was got declared hostile, however the prosecution could not excavate anything fruitful to its case by cross-examining its own witness.*

PW4 Ranjit Choudhary, appeared in witness box and in his examination-in-chief stated that it is an incident around 3-4 years ago, at about 09:00-10:00 am. He heard about the incident. The police had not enquired from him. He heard about quarreling. He further identified accused Anand present in the court. In cross-examination, he stated that he know accused Anand because of his villager. He lives outside the village and is in a private job. He has no personal knowledge about the incident. He did not see nothing. He was in Maharashtra and he heard about the quarrel. He only heard that there was quarreling in the village and except this he heard nothing.

PW5 Daksha Kumar, appeared in witness box and in his examination-in-chief stated that it is an incident of 5 years ago, at about 9-am. He had went to Bharko for study. While he was coming back and reached between Bharko and Rampur, then Ankit, Gulshan, Rabish and Anand snatched his bicycle and fled. Thereupon, squabble took place between his father and accused persons in which his father sustained injury. He further identified accused Ankit present in the court and claimed to identify other accused persons on seeing them in the court. In cross-examination, he stated that he cannot say who hit his father. He also cannot say who snatched his bicycle. In this case, they have compromised. The bicycle is still with him.

6. *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 30.10.2025, the prosecution evidence was closed.*
7. *The statement under Section 313 of the CrPC was also recorded on 01.11.2025, wherein the accused persons admitted having heard the evidence against them, and impleaded themselves as innocent.*
8. *Learned Additional Public Prosecutor in his oral arguments submitted that the prosecution has well proved its case. The accused are monied and mighty persons and they have won over all the witnesses but it cannot be denied that the informant sustained injury on his head. In the last, he prayed for conviction.*
9. *In counter force, learned counsel for the accused in his oral arguments submitted that it is a matter of family squabble which has been compromised. Even otherwise, the informant as PW 2 himself has deposed that at that time of incident, there were many people gathered there and he could not see what and who hit him on the head. Then PW 5 son of the informant appeared in the witness box and in his cross examination he stated that he has not seen as to who assaulted his father.*

Further, the prosecution has not examined any doctor to prove injury report, therefore, the injury can not be relied upon.

The prosecution has also not examined investigating officer. And even has not given any reason as to what was impasse in examination him.

In the last acquittal is prayed for by the defense.

10. Conclusion :-

In the gravamen it has been alleged by the informant that the accused persons attacked on his head with blackjack and stick. In support of the case of the prosecution in total five witnesses have been examined. Out of which, the prosecution witness no. 1 and 3 denied having known anything about the incident. The prosecution witness no. 2, who is informant of this case, himself stated in his cross-examination that at the time of incident, there were many people gathered there and he could not see what and who hit him on his head rather he has amicably settled the matter. The cross-examination of this witness no. 2 is also corroborated with the cross-examination of prosecution witness no. 5, who is son of the prosecution witness no. 2/informant. The prosecution witness no. 4 has not stated anything against the accused, therefore nothing remains in this case.

As a sequel of above discussions, this court has come to the conclusion that the prosecution has utterly failed to 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- 25.03.2026***

This judgment contains eleven pages, all are signed by me.

***Satya Bhushan Arya
Sessions Judge, Banka
Dated- 25.03.2026***

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