

FORM – A

In the Court of Principal Sessions Judge, Begusarai. Present– Rishi Kant Date of Judgment-04.04.2026 S.T. Case No.-159 of 2020, C.I.S. No.-148 of 2020 <u>(Details of FIR/Crime and Police Station</u> <u>Bhagwanpur P.S. Case No.-36/2017</u>	
Informant	Asha Devi
Represented by	Sri Santosh Kumar, I/c P.P.
Accused persons	Raj Kishore Singh, Usha Devi, Amarjeet Singh & Paramjeet Singh.
Represented by	Sri Md. Ezaz Akhtar, Ld. Advocate.

FORM – B

Date of offence	22.03.2017
Date of First Information Report	22.03.2017
Date of Charge-Sheet	15.06.2017
Date of Framing of Charge	21.05.2022
Date of Commencement of Evidence	27.06.2022
Date on which Judgment is reserved	02.04.2026
Date of Judgment	04.04.2026
Date of sentencing Order, if any	N.A.

Accused Persons Details

Rank of Accused	Name of Accused	Date of Arrest	Offence charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 468 of B.N.S.S.
A1	Usha Devi W/o Raj Kishore Singh R/o vill. Gehuni, P.S. Bhagwanpur, Distt. Begusarai		U/s- 308/34,341/34,323/34,504/34,427/34,506 /34 of IPC.	Acquitted	N.A.	
A2	Raj Kishore Singh, S/o Late Bhuneshwar Singh, R/o vill. Gehuni, P.S. Bhagwanpur, Distt. Begusarai		U/s- 308/34,341/34,323/34,504/34,427/34,506 /34 of IPC.	Acquitted	N.A.	
A3	Amarjit Singh, S/o Raj Kishore Singh, R/o vill. Gehuni, P.S. Bhagwanpur, Distt. Begusarai		U/s- 308/34,341/34,323/34,504/34,427/34,506 /34 of IPC.	Acquitted	N.A.	
A4	Paramjit Singh, S/o Raj Kishore Singh, R/o vill. Gehuni, P.S. Bhagwanpur, Distt. Begusarai		U/s- 308/34,341/34,323/34,504/34,427/34,506 /34 of IPC.	Acquitted	N.A.	

JUDGEMENT

1. The accused persons namely, Raj Kishore Singh, Usha Devi, Amarjeet Singh & Paramjeet Singh stand charge for committing offences punishable under section U/s-308/34,341/34,323/34,504/34,427/34,506/34 of IPC.

CASE OF THE PROSECUTION

2. The prosecution case is based on the written application filed by the informant namely, Asha Devi. The case in brief, the allegation is that on 22.03.2017 at about 7 P.M. accused persons namely, Raj Kishore Singh, Usha Devi, Amarjit Singh, Paramjit Singh, & Arun Singh came and started abusing and assaulting him. In the meantime, Rajkishore Singh gave lathi blow upon her head due to which she sustained head injury. Amarjit Singh and Paramjit Singh started beating her. When her son namely, Ritik Kumar came to save her, then he was assaulted by Amarjit Singh by lathi-danda. The cause of occurrence is land dispute in between them.

PROCEDURAL HISTORY

3. On the basis of the written application of the informant namely, Nilam Devi, the police registered Bhagwanpur P.S Case no. 36/2017 dated 22.03.2017 against the accused persons namely, Raj Kishore Singh, Usha Devi, Amarjit Singh, Paramjit Singh, & Arun Singh for the offences punishable U/s-341/323/504/506/427/308/34 of IPC. After investigation, the police had submitted charge sheet no. 62/2017 dated 15.06.2017 before the court of Ld. CJM, Begusarai against the accused persons namely, Raj Kishore Singh, Usha Devi, Amarjit Singh & Paramjit Singh and showing accused Arun Singh as innocent for the offences punishable under Sections 341/323/504/506/427/308/34 of IPC.

4. The learned CJM, Begusarai vide order dated 13.03.2018, took cognizance of the offence u/s- 341/323/504/506/427/308/34 of IPC against the accused persons namely, Raj Kishore Singh, Usha Devi, Amarjit Singh & Paramjit Singh, and after complying the section of 207 of Cr.PC., the case was committed to the court of sessions and ultimately this case has been transferred and received in this court for trial and disposal in accordance with law.

CHARGE

5. After the appearance of the accused persons namely, Raj Kishore Singh, Usha Devi, Amarjit Singh & Paramjit Singh, and upon hearing the learned Public Prosecutor for the State as well as the learned Advocate for the defence, charges under Sections 308/34,341/34,323/34,504/34,427/34,506/34 of IPC were framed against them. The said charges were read over and explained to the accused persons in Hindi on 21.05.2022, to which they pleaded not guilty and claimed to be tried. The defence of the accused persons are of simple denial of the allegations and a plea of false implication.

6. After completion of the prosecution evidence, statement of accused persons namely, Raj Kishore Singh, Usha Devi, Amarjit Singh & Paramjit Singh under sec. 351 of B.N.S.S. was recorded on 01.04.2026 to afford them an opportunity to explain the incriminating circumstances appearing against them in evidence. They denied the allegations and pleaded false implications.

POINT FOR DETERMINATION

7. Now, the point for determination by this court is that whether prosecution has been able to prove its case including the charged framed u/s-308/34,341/34,323/34,

504/34,427/34,506/34 of IPC against the accused persons namely, Raj Kishore Singh, Usha Devi, Amarjit Singh & Paramjit Singh beyond the shadow of all reasonable doubts or not ?

EVIDENCE ADDUCED BY THE PARTIES

8. In order to prove its case, the prosecution has examined altogether ten witnesses. They are –

Prosecution Witness No.	Name of witness	Description
1	Ram Pravesh Singh	Hostile.
2	Sanjeev Kumar Singh	Hostile.
3	Ram Raji Singh	Hostile.
4	Ashok Kumar Singh	Hostile.
5	Asha Devi	Informant/injured.
6	Dr. Kumar Rakesh Raushan	Medical witness.
7	Ritik Kumar Singh	Another injured.
8	Sunil Kumar Singh	Police witness.

9. Apart from oral evidences, prosecution has adduced six documentary evidences. Which are---

Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	Injury report of Asha Devi	PW-6
1/1	Supp. Injury report of Asha Devi	PW-6
2	Injury report of Ritik Kumar	PW-6
3	Written application	PW-5
4	Formal FIR	PW-8
4/1	Endorsement	PW-8

10. No oral or documentary evidence has been adduced on behalf of the accused in this case to rebut the charge levelled against him by the prosecution.

STATEMENT OF WITNESSES

11. **P.W-1 is Ram Pravesh Singh.** In his examination-in-chief, he deposed that he knows Asha Devi. He does not know about the occurrence occurred with Asha Devi. His statement was not recorded before police. This witness was declared hostile on request of prosecution. The witness declined the suggestions given by the prosecution about his statement before the police.

In his cross-examination, he stated that he has deposed voluntarily before the court and he identified the accused because they are their co-villagers.

12. **P.W-2 is Sanjeev Kumar Singh.** In his examination-in-chief, he deposed that he does not know about Asha Devi. He does not know about the occurrence occurred with Asha Devi. His statement was not recorded before police. This witness was declared hostile on request of prosecution. The witness declined the suggestions given by the prosecution about his statement before the police.

In his cross-examination, he stated that he has deposed voluntarily before the court and he identified the accused because they are their co-villagers.

13. **P.W-3 is Ram Raji Singh.** In his examination-in-chief, he deposed that he

didn't know about the occurrence and his statement was not recorded before police. This witness was declared hostile on request of prosecution. The witness declined the suggestions given by the prosecution about his statement before the police.

In his cross-examination, he stated that he has deposed voluntarily before the court.

14. P.W-4 is Ashok Kumar Singh. In his examination-in-chief, he deposed that he didn't know about the occurrence and his statement was not recorded before police. This witness was declared hostile on request of prosecution. The witness declined the suggestions given by the prosecution about his statement before the police.

In his cross-examination, he stated that he has deposed voluntarily before the court and he identified the accused persons because they are his co-villagers.

15. P.W-5 is Asha Devi, who is informant/injured of this case, in her examination-in-chief deposed that the occurrence took place about eight years ago at around 7:00 P.M. at her house. She stated that there was a hot altercation followed by assault, in which Amarjit assaulted her on the back with a danda, which hit her head and caused injury. She further stated that when her son Ritik Singh came to save her, he was also assaulted by Amarjit Singh with a danda, resulting in bleeding from his nose. She also stated that she is the informant of the case, that she had given a written application to the police, and identified her signature, which has been marked as **Exhibit P.E.3/PW-5**. She further expressed willingness to compromise, stating that both parties are related.

However, in her cross-examination, she stated that there is a land dispute between the parties. She further stated that no one had assaulted her. She also stated that the written application was prepared by someone else, who had named the accused persons, and that the case was instituted at the instance of others.

16. P.W-6 is Dr. Kumar Rakesh Raushan, who is Medical Officer of this case. In his examination-in-chief, he deposed that on 22.03.2017, he was posted as medical officer at P.H.C. Bhagwanpur, P.S. Bhagwanpur, Dist.- Begusarai. On the same day at 08:30 P.M., he has examined Asha Devi, W/o Natho Singh, Hindu female at village - Gehuni, P.S. Bhagwanpur, District - Begusarai, vide ref. no. ER- 812. On examination :-

- (i) M.I.- Wound mark on left wrist.
 - (ii) About 1" X 1/2" X skin deep laceration wound left occipital region.
 - (iii) Body ache.
 - (iv) Age of injury - within twelve hours.
 - (v) Caused by hard blunt object.
 - (vi) Nature of injury - Opinion reserved. Due to vomiting patient was referred to neurologist for needful.
2. This injury report is in his writing and signature and same has been marked as exhibit no. **P.E.1/P.W.- 6**.
3. On 05.06.2017 he issued a supplementary injury report of Asha Devi, W/o Natho Singh, Hindu female at village - Gehuni, P.S. Bhagwanpur, District - Begusarai, vide ref. no. ER- 812.

(i) According to patient :- she was well now a day and no need to treatment. In absence of further treatment and wellness of patient now treat this case as a simple.

(ii) This supplementary injury report is in his writing and bears his signature. He identifies it and mark it exhibit no. **P.E.1/1-P.W.- 6.**

4. On 22.03.2017 at about 08:35 P.M., he has also examined Ritik Kumar, age about 12 years S/o Natho Singh, Hindu male at village - Gehuni, P.S. Bhagwanpur, District - Begusarai, vide ref. no. ER- 813.

(i) M.I.- Wound mark on left ankle joint anterior aspect.

(ii) Blood clot found in both nostril. No crepters found on nasal bridge.

(iii) 1" X 1 and 1/2" swelling on forehead.

(iv) Body ache.

(v) Age of injury - within twelve hours.

(v) Caused by hard blunt object.

(vi) Nature of injury - simple.

5. This injury report is in his writing and bears his signature. He identifies it and mark it exhibit no. **P.E.2/P.W.-6.**

In his cross-examination, he deposed that such type of injuries of first person may be possible due to fall. Vomiting is possible in the head injury of the first injured person. He has not mentioned the colour of the injury of both the injured persons. Such type of injuries of second person may be possible due to fall. On the basis of the complain or history of the patient he has treated the patient. It is not correct to say that such type of injuries may not be possible made by self. It is not correct to say that he submits the injury report on the basis of injured person.

17. P.W-7 is Ritik Kumar Singh, another injured witness of the case, in his examination-in-chief deposed that the occurrence took place about nine years ago at around 7:00 P.M. at his house. He stated that he was very young and therefore could not clearly remember the incident. He further stated that he was assaulted by Amarjit Kumar, that he was treated by a doctor, and that he identified accused Paramjit and Rajkishore Singh present in court.

However, in his cross-examination, he stated that he could not say who had assaulted him. He further stated that during the course of running away, he fell down and sustained injuries, and that the accused persons had not assaulted him.

18. P.W.-8 is Sunil Kumar Singh, who is I.O. of this case. In his examination-in-chief, he deposed that on 22.03.2017 he was posted as ASI at Bhagwanpur P.S. He assumed the duty of investigation by the SHO Balmukund Rai. After assuming the duty of investigation, he perused the FIR. He recorded the restatement of informant and inspected the place of occurrence. The place of occurrence of this case is the house of accused persons. He recorded the statement of witnesses namely, Ritik Kumar, Ramraji Singh, Rampravesh Singh, Ashok Singh, Sanjiv Singh and mentioned the same in the case diary. He obtained the injury report and supervision note. Thereafter, he submitted charge-sheet against the accused persons u/s 341,323,504,506,427,308/34 of IPC on 15.06.2017. he identified the writing and signature of SHO Balmukund Rai on formal FIR which has been marked as **Exhibit-P.E.4/PW8.** He identified the writing and signature of SHO Balmukund Rai on endorsement on FIR which has been marked as **Exhibit-P.E.4/1/PW8.**

In his cross-examination, he deposed that there is land dispute in between the parties and he has not investigated on this point.

ARGUMENT BY THE PARTIES

19. Learned lawyer appearing for the accused persons in course of his argument submitted that the prosecution has failed to prove the charge levelled against the accused persons in the aforesaid sections beyond all reasonable doubts. He further contended that there is no credible material on record to establish the charges beyond reasonable doubt. He further submitted that all prosecution witness have not support the prosecution case, the prosecution has utterly failed to prove its case. Therefore, the accused persons are entitled to be acquitted of the charges levelled against them.

20. On the other side, the Ld. P.P. I/c have submitted that prosecution has been able to prove that the accused persons had committed the alleged offence. He further submitted that the injured and informant have supported the prosecution version in his examination-in-chief. So, there are sufficient materials available in the case record against the accused persons, and they deserve to be convicted.

DISCUSSION AND APPRECIATION OF EVIDENCE

21. It is a well-settled principle of criminal jurisprudence that the quality of evidence, and not its quantity, is decisive in establishing a charge. Bearing this principle in mind, the evidence adduced by the prosecution has been carefully examined. In the present case, the prosecution examined eight witnesses, including the informant (**P.W.-5**). However, **P.W.1, P.W.2, P.W.3 & P.W.4** were declared hostile, as they categorically stated that they had no knowledge of the occurrence, and did not support the prosecution case. The informant (**P.W.-5**), in her examination-in-chief, initially supported the prosecution case and stated that the occurrence took place about eight years ago at around 7:00 P.M. when she was at her house. There was a hot altercation followed by assault, in which Amarjit assaulted her on the back with a danda, causing injury to her head. She further stated that when her son Ritik Singh came to rescue her, he was also assaulted by Amarjit Singh with a danda, resulting in bleeding from his nose. She also stated that she is the informant of the case, that she had given the written application to the police, and identified her signature marked as **Exhibit P.E.3/PW-5**. She further expressed willingness to compromise as both parties are related. However, in cross-examination, she made contrary statements and admitted that during measurement of bamboo land near her house a large crowd had gathered and there was commotion, during which she fell down. She further stated that no one had assaulted her and that the case was instituted under the influence of another person.

22. Similarly, **P.W.-7** in his examination-in-chief initially supported the prosecution case and stated that the occurrence had taken place about nine years ago at around 7:00 P.M., when he was at his house. He stated that he was assaulted by Amarjit Kumar and that he was treated by a doctor, and also identified accused Paramjit and Rajkishore Singh in court. However, in cross-examination, he resiled

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S.Tr. Case No.-159 of 2020, C.I.S. No.-148 of 2020
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Date of Judgment-04.04.2026

from his earlier statement and stated that he could not say who had assaulted him. He further stated that during the course of running away, he fell down and sustained injuries, and that the accused persons had not assaulted him. The doctor and the Investigating Officer of the case have also been examined. In view of the material contradictions in the testimony of the informant, the hostile and inconsistent statements of the prosecution witnesses, and in the absence of reliable supporting medical and investigative evidence, the prosecution case suffers from serious infirmities. Accordingly, the evidence on record is not sufficient to prove the charges against the accused persons beyond reasonable doubt.

23. It is cardinal principal of criminal jurisprudence that the guilt of the accused persons must be proved beyond all reasonable doubt and the burden of prove on the prosecution to establish the case beyond all reasonable doubt and the benefit of every reasonable doubt should be given to the accused.

24. In view of the foregoing discussion and findings, this Court is of the considered opinion that the prosecution has failed to prove the charges against the accused persons beyond all reasonable doubt. The evidence of the witnesses is inconsistent and unreliable, and the non-examination of the Investigating Officer has further weakened the case. Accordingly, the prosecution has failed to establish the charges under Sections 308/34,341/34,323/34,504/34,427/34,506/34 of IPC against the accused persons namely, Raj Kishore Singh, Usha Devi, Amarjit Singh & Paramjit Singh beyond all reasonable doubt. Hence, all the accused persons namely, Raj Kishore Singh, Usha Devi, Amarjit Singh & Paramjit Singh are hereby acquitted of the charges levelled against them by giving them the benefit of doubt.

ORDERED

The accused persons namely; Raj Kishore Singh, Usha Devi, Amarjit Singh & Paramjit Singh are acquitted from the charges levelled against them u/s-308/34,341/34,323/34,504/34,427/34,506/34 of IPC by giving benefit of doubt. The accused persons are on bail hence, they also discharged from their liability under bail/personal bond and their sureties are also discharged accordingly, except for those furnished u/s 481 of B.N.S.S.

Copy of judgment be also sent to District Magistrate, Begusarai.

File be consigned to record room within Prescribe time.

Announced in open court on 04th of April, 2026.

Dictated, Corrected and Signed by me.

Sd/-
(Rishi Kant)
Principal Sessions Judge, Begusarai
04.04.2026

Sd/-
(Rishi Kant)
Principal Sessions Judge, Begusarai
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Sd/-
(Rishi Kant)
Principle Sessions Judge, Begusarai
04.04.2026

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Uploading Date	06.04.2026
Uploaded by	Rahul Verma