

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE
TEGHRA (BEGUSARAI)
PRESENT- RANJAN DEO**
{Date of Judgment- 27.07.2026}
{G.R. No. 569/2011}
P.S. Case No.-Mansoorchak- 16/2011

FORM-A

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE TEGHRA (BEGUSARAI) PRESENT- RANJAN DEO {Date of Judgment- 27.07.2026} {G.R. No. 569/2011} P.S. Case No.-Mansoorchak- 16/2011	
COMPLAINANT	STATE OF BIHAR (Through Vishwanath Singh)
REPRESENTED BY	Sri Sambhu Saran, Ld. S.D.P.O. Sri Om Prakash Kumar, Ld. Advocate
ACCUSED	1. Naresh Mahto @ Ram Naresh Mahto (A-1), S/o- Late Dev Lal Mahto, aged about 35 years 2. Santosh Mahto (A-2), S/o- Late Dev Lal Mahto, aged about 34 years Both R/o- Mauza.- Kastoli, P.S.- Mansoorchak, District- Begusarai.
REPRESENTED BY	Sri Ramvali Mahto, Ld. Advocate Sri Krishna Nandan Mishra, Ld. Advocate

FORM-B

Date of Offence	26/02/2011
Date of FIR	02/03/2011
Date of Charge Sheet	31/10/2011
Date of Framing Charge	06/08/2014
Date of Commencement of Evidence	13/02/2019
Date on which Judgment Reserved	10/07/2026
Date of Judgment	27/07/2026
Date of the Sentencing order, if any	

ACCUSED DETAILS

Rank of the Accused	A-1 and A-2
Name of the Accused	Naresh Mahto @ Ram Naresh Mahto

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	and Santosh Mahto
Date of Arrest	22.07.2011, 17.10.2011
Date of Release on Bail	17.08.2011, 22.10.2011
Offences Charged with	147, 341, 323, 467, 468 and 471 of IPC
Whether Acquitted or Convicted	Acquitted
Sentence Imposed	-----
Period of Detention undergone during Trial for purpose of section 428, Cr.P.C	-----

FORM-C

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Upendra Singh	Eye Witness
PW-2	Vishwanath Singh	Informant
PW-3	Bharat Mahto	Hostile Witness
PW-4	Bechu Sav	Hostile Witness
PW-5	Sankar Kumar Singh @ Raju Singh	Eye Witness

B. Defence Witness, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-	-	-

C. Court Witness, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS,
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		EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS
-	-	-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1.	Exhibit-P1/PW2	Signature of informant on written report.

B. Defence

Sr. No.	Exhibit Number	Description
-	Nil	Nil

C. Court Exhibits

Sr. No.	Exhibit Number	Description
-	-	-

D. Material Object

Sr. No.	Exhibit Number	Description
-	-	-

JUDGMENT

1. The above named accused persons stand charged for the offence punishable U/s- 147, 341, 323, 467, 468 and 471 of IPC. standing against them for which they pleaded not guilty and claimed to be tried.

2. The Factual Matrix of the case are as follows: The written report of the informant namely, Vishwanath Singh *inter-alia* discloses following facts: the informant had been looking after the agricultural land of late Devki Devi and, after her death, continued to do so for her legal heir, Shankar Kumar Singh. It

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is alleged that on 05.08.2010, while the informant had gone to inspect the standing paddy crop on the disputed land, accused Brij Kishor Jha, Devlal Mahto and another unknown person arrived there. They allegedly threatened him to vacate the land and claimed that the land had been purchased by Devlal Mahto. Thereafter, on inquiry at the Registry Office, the informant came to know that the disputed land had allegedly been registered in the name of Devlal Mahto and his two sons, Naresh Mahto and Suresh Mahto, on the basis of forged sale deed executed by a fictitious person. It is further alleged that Brij Kishor Jha, in collusion with Devlal Mahto, got the forged sale deeds executed with an intention to grab the land of the informant's employer. It is also alleged that on 26.02.2011, when the informant again visited the disputed land to inspect the wheat and mustard crops, the accused persons, along with 2-3 unknown persons armed with lathis and sticks, assaulted him and threatened to kill him, whereupon nearby persons arrived and rescued him.

3. On the basis of written report of informant the police registered the case as Mansoorchak P.S. case no. 16/2011 dated 02/03/2011 and investigation was taken up. After conclusion of investigation police submitted charge sheet against four accused persons vide charge sheet no. 129/2011 dated 31/10/2011 and U/s- 147, 341, 323, 467, 468 and 471 of IPC. On dated 04/09/2012, Ld. CJM took cognizance of the offence under same sections. Charge was framed on dated 06/08/2014 against four accused persons for the offence under sections 147, 341, 323, 467, 468 and 471 of IPC to which the accused pleaded not guilty and claimed to be tried when the same was read and explained to them in Hindi. On dated 04.02.2016 and 22.01.2024 proceeding against accused namely, Dev Lal Mahto and Brij Kishor Jha was dropped due to their death.

4. On dated 10/04/2026, a joint compromise petition was filed on behalf of both parties. Their signatures duly identified by their Ld. Counsels along with a petition on the same date seeking permission to compromise this case.

5. The prosecution examined five witnesses as PW-1, PW2 (informant), PW3, PW4 and PW5 in support of its case.

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6. The case of the defence is general denial of whole of the prosecution case and the accused persons have taken the plea of innocence at the time of recording of their statement u/s- 313 Cr.PC. The defence did not adduce any evidence.

7. Now the question for determination arises before this court is whether the prosecution has been able to prove its case beyond shadow of all reasonable doubts.

FINDINGS

8.(a). In support of its case prosecution and defence examined following witnesses.

NAME OF WITNESSES OF PROSECUTION	Nos. OF P.Ws	NAME OF WITNESSES OF DEFENCE	Nos. OF D.Ws
Upendra Singh	P.W.-1	Nil	Nil
Vishwanath Singh	P.W.-2		
Bharat Mahto	P.W.-3		
Bechu Sav	P.W.-4		
Sankar Kumar Singh @ Raju Singh	P.W.-5		

(b). Documents exhibited on behalf of prosecution and defence are as follows:

DOCUMENTS EXHIBITED ON BEHALF OF PROSECUTION	NO. OF EXT.	DOCUMENTS EXHIBITED ON BEHALF OF DEFENCE	NO. OF EXT.
-	-	-	-

9. Having gone through.....

(a). Before considering the evidence of PW2 (informant) and P.W. 5 Shankar Kumar Singh @ Raju Singh, it is pertinent to note that PW3 Bharat Mahto and PW4 Bechu Sav were declared hostile, On the other hand, PW1 Upendra Singh supported the prosecution case as an eye witness. The evidence of PW2

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(informant) and PW5, whose testimony has undergone material variation during cross-examination, is, therefore, required to be appreciated in the light of the entire evidence available on record.

(b). the deposition of informant, **Vishwanath Singh as P.W. 2**, he has deposed in his examination-in-chief that on 05.08.2010, accused Brijkishor Jha, Devlal Mahto, Naresh Mahto and Suresh Mahto formed an unlawful assembly and came to the place of occurrence while he had gone to look after the agricultural land of his employer. They abused him and assaulted him, causing injuries. He further stated that the accused persons had fraudulently got the disputed land registered in their favour, regarding which he lodged a written report before the police. He identifies his signature on the written report which is marked as Exhibit-P1/PW2. He also identified accused Santosh Mahto and Naresh Mahto present in Court and stated that the other two accused, namely Brijkishor Jah and Devlal Mahto had died. But during his cross-examination he stated that he has entered in compromise willfully with the accused persons. On the application of compromise, he has put his signature voluntarily and he has no objection if the case is dismissed and the accused is acquitted. He also stated in para 04 of cross-examination that the accused persons had arrived at the place of occurrence one after another. Further he admitted in para 05 of his cross-examination that he had no knowledge as to who had prepared the alleged forged document or who had got the land registered and further stated that the said document had never been acted upon. In para 06 of his cross-examination he stated that he was unaware of the contents of the FIR as it had not been read over to him before obtaining his signature. In para 07 of his cross-examination he categorically stated that the accused persons had neither committed any forgery nor attempted to commit forgery. Further in para 08 of his cross-examination he stated that Ameen Upendra Singh had no knowledge regarding the occurrence. In para 10 of his cross-examination he stated that he did not want the other prosecution witnesses to be examined before the Court and that those witnesses were also not willing to depose before the Court. He deposed

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in para 11 of his cross-examination that he identified the accused persons only because he is a co-villager.

(c). the deposition of witness, **Sankar Kumar Singh @ Raju Singh** as **P.W. 5**, he has supported the case of the prosecution in his examination-in-chief and identified the accused persons namely, Naresh Mahto and Santosh Mahto present in the Court. But during his cross-examination he stated that he has entered in compromise willfully with the accused persons. On the application of compromise, he has put his signature voluntarily and he has no objection if the case is dismissed and the accused is acquitted. In para 03 of his cross-examination he stated that Vishwanath Singh was the informant in the present case and was looking after his agricultural land. Further he deposed that Vishwanath Singh has settled the dispute with his consent. In para 04 of his cross-examination he stated that the documents relating to the land, which had allegedly been fraudulently registered, were destroyed in the Registry Office. Further he deposed in para 05 of his cross-examination that the persons who had committed the alleged forgery were Brij Kishor Jha and Devi Lal Mahto, who have since died. He categorically deposed in para 06 of his cross-examination that accused Naresh Mahto and Santosh Mahto had neither prepared any forged documents nor committed any act of forgery or fabrication, and that they were innocent. In para 08 of his cross-examination he stated that he knew and identified the said accused persons only because they were residents of the neighbouring village. In para 12 of his cross-examination he stated that he was in possession of the disputed land and that all the relevant documents relating thereto were in his possession.

10. Having heard the submissions of both of the sides and perused the entire case record, it appears as follows:

(a). The prosecution has altogether examined five witnesses as the Informant and four other witness on its behalf. The PW2 (informant) and PW5 has deposed in favor of compromise with accused persons. During cross-examination they have not supported the case of the prosecution rather they deposed in favor of compromise which creates doubt. Even though PW1

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supported the prosecution case, the evidence led by PW2 (informant) and PW5 cast doubt about the occurrence. There is an inordinate delay in lodging the FIR and the accused thereof has not been explained by prosecution. In **Kali Ram vs. State of Himachal Pradesh, (1973) 2 SCC 808**, the Hon'ble Supreme Court held that where two views are reasonably possible on the evidence, the view favourable to the accused should be adopted. Suspicion, however strong, cannot take the place of proof.

Hence it is ordered:

ORDER

11. In view of the above discussions and under the facts and circumstances of the case and considering the evidence on record:

(a). This court find and hold that prosecution has not been successful in proving the charge U/s- 147, 341, 323, 467, 468 and 471 of IPC leveled against the said accused persons beyond shadow of all reasonable doubts, as such the said accused persons named above are held “not guilty” as charged for the offence punishable U/s- 147, 341, 323, 467, 468 and 471 of IPC. Accordingly the accused persons named above are hereby “acquitted” from the said charges on the basis of compromise and benefit of doubt.

(b). The said accused persons are already on bail. The bailors are hereby discharged from the liability of their bail bonds.

Judgment pronounced and delivered by me in the open court.

sd/-

(Ranjan Deo)
A.C.J.M. Teghra
Begusarai
Dated: 27.07.2026

sd/-

(Ranjan Deo)
A.C.J.M. Teghra
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Date of Judgment reserved	10.07.2026
Date of Judgment	27.07.2026
Uploading Date	06.08.2026
Uploaded By	Suraj Kumar, DEO