

**In the Court of Addl. Sessions Judge, Manjhaul (Begusarai)
District-Begusarai (Bihar)**

[As per Gazette Notification: Agenda and Corrigenda to Criminal Court Rules of the High Court of Judicature at Patna (Volume-I) (Third Edition) C.S. No-98, Published as 5 Agrahayana 1943 (s) Patna, Friday, 26th November, 2021]

Present: Sanjay Kumar Singh Addl. Sessions Judge, Manjhaul (Begusarai) Date-16.05.2026 Sessions Trial No-951/2011 [Arising out of Cheriabariyarpur(Manjhaul) P.S. Case No-72/2011 registered for the offences punishable u/s- 395 of the IPC]		
Complainant/ Informant	:	State of Bihar through informant Shiv Shankar Ray, s/o- Sri Ram Bahadur Ray, r/o-vill- Sihma, P.S-Khodawandpur, District-Begusarai
Represented by	:	Shri Rakesh Kumar Ld. A.P.P.
Accused	:	Babloo Paswan, aged about 39 years, s/o-Damodar Paswan R/o-vill- Pirnagar, P.S-Chhaurahi, District-Begusarai
Represented by	:	Sri Satyanarayan Mahto, Ld. Advocate

FORM-B

Date of offence	:	18.06.2011
Date of FIR	:	18.06.2011
Date of Charge-sheet	:	Charge Sheet Sl. No-176/2011 dated 25.09.2011
Date of Cognizance	:	01.10.2011
Date of framing of charge	:	16.01.2012
Date of commencement of evidence	:	19.12.2013
Date of statement	:	16.05.2026
Date of Judgement	:	16.05.2026
Date of Sentencing Order, if any	:	N/A

Accused Details

Rank of the accused	A/1
Name of the accused	1. Babloo Paswan
Date of arrest	A/1 – 02.07.2011
Date of release on bail	A/1 – 24.12.2011
Offence charged with	u/s- 395 of I.P.C.
Whether acquitted or convicted	Acquitted
Sentence imposed	N/A
Period of detention undergone during trial for purpose section 428 Cr.P.C	N/A

List of Prosecution/Defence/Court Witnesses

A. Prosecution

Rank	Name	Nature of evidences [eye witness, police witness, expert witness, medical witness, panch witness and other witness]
PW-1	Sunil Das	Eye witness
PW-2	Shiv Shankar Ray	Informant
PW-3	Naveen Kumar	Witness
PW-4	Manoj Kumar	Witness
PW-5	Ashok Kumar	Hostile
PW-6	Dhanshyam Prasad	Hostile

List of Prosecution/Defence/Court Exhibits

A. Prosecution

Sr. No.	Exhibit Number	Description
1.	P-1/PW-4	Statement u/s-164 CrPC of the witness Naveen Kumar

2.	P-1/a/PW-4	Statement u/s-164 CrPC of the witness Manoj Kumar
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B. Defence Exhibits

Sr. No.	Exhibit Number	Description
NO DOCUMENT IS EXHIBITED FROM THE SIDE OF DEFENCE		

C. Court Exhibits

Sr. No.	Exhibit Number	Description
NO DOCUMENT IS EXHIBITED AS THE COURT EXHIBITS		

[The case record transferred to this court vide order 244(Misc.) dated 18.05.2024 of the Id. District and Sessions Judge, Begusarai and received in this court on 20.08.2024]

JUDGMENT

1. Above named sole accused Babloo Paswan is facing trial u/s-395 of I.P.C.

Prosecution Case

2. The brief case of the prosecution is in written report of informant Shivshankar Rai who stated that on 18.06.2011 at about 02.30 am, as soon as he went to some distance from Manjhaul Gadhpura-Jaymangla Garh turn, he saw, six criminals, who were covered their face and head with clothes, wore half paints, pointed arms and signaled to stop the vehicles. Then they due to fear, stopped their vehicles, criminals came near and pulled them down from the vehicles and robbed mobiles, cash rupees, sarees, golden jewelries, wrist watch, driving license of informant and others. The informant did not identify exactly the criminals because they had covered their face and head with clothes.

Investigation

3. On the basis of application dated 18.06.2011 of informant Shiv Shankar Ray, Cheriyabariyarpur(Manjhaul) P.S Case No-72/2011, u/s- 395

of the IPC was registered against six unknown accused persons. After investigation, police submitted charge-sheet u/s-395 of I.P.C against accused Babloo Paswan. On the basis of charge-sheet, the Ld. C.J.M., Begusarai took cognizance on 01.10.2011 and transferred the case record to the court of Sri Sanjeev Kumar, Ld. J.M. 1st class Begusarai for commitment. Thereafter the Ld. JM 1st class committed the case to the Court of Sessions for trial.

Charge

4. On 16.01.2012 the charge was framed against the above named accused person. The charge was read over and explained to the accused in Hindi to which he pleaded not guilty and claimed to be tried.

Statement of Accused

5. The statement of accused has been recorded on 16.05.2026 and the defence of the accused is that he has not committed any offence and he has falsely been implicated in this case.

Point for determination

6. Now the point for determination before me is whether the prosecution has been able to prove the charge levelled u/s- 395 of I.P.C. against the accused beyond the shadow of all reasonable doubts or not?

Findings

7. Prosecution has altogether examined six witnesses to substantiate its case i.e. PW-1-Sunil Das, PW-2-Shiv Shankar Ray, PW-3-Naveen Kumar, PW-4-Manoj Kumar, PW-5-Ashok Kumar, PW-6-Dhanshyam Prasad.

Apart from the above prosecution has proved the following documents in support of its case which has been exhibited as follows-

- i. Ext.-P-1/PW-4 Statement u/s-164 CrPC of the witness Naveen Kumar
- ii. Ext.-P-1/a/PW-4 Statement u/s-164 CrPC of the witness Manoj Kumar

No other oral or documentary evidence has been adduced on behalf of the prosecution. The defence has also not adduced any evidence on its behalf.

8. Now, I shall discuss all the evidences available on the record, in the light of charge levelled against the accused persons.

9. **PW-1 Sunil Das** stated in his chief examination that the occurrence took place 2 ½ years ago at 02:30 am. At that time, he was coming to Sihma from Rahimpur on a Pickup Van, Registration No. BR09H-0487. As soon as he reached on Jhula bridge near Manjhaul, Jaimanglagarh Mor, a tree fell on the road then he stopped his vehicle. Then total six persons surrounded armed with gun, from front side and two each were right and left side of the vehicle. He further stated that the accused pointed gun on his temple and ordered him to turn off the engine and lights, and demanded that they hand over whatever money and valuables they had with them. Thereafter they took out Rs.4500/, papers of vehicle and mobiles. They beat him with butt of gun and pushed him into a roadside ditch and fled away. Thereafter he went to Garhpura police station, from there he went to Manjhaul P.S., where Shiv Shankar gave a written application. Daroga ji recorded their statement. The witness further stated that he does not identify any of the accused, who committed the crime. In his cross examination he stated that he did not see before, the accused present in the court.

10. **PW-2 Shiv Shankar Ray** stated in his chief examination that he has filed this case. The occurrence took place in the 6th month of 2011 at 02.30 am. He was coming from Jaymanglagarh on Bolero, when he reached near Jhula bridge on Garhpura road, some masked criminals surrounded his vehicle and snatched his mobile, briefcase in which gold, clothes and cash Rs.45000/ of Sagun were kept and mobiles of Shyamlal Ray, Sushil Kumar Singh, Ghanshyam Kumar Singh, Sanatan Ray. But still he did not identify the accused who committed the crime of snatching. In his cross-examination, he also admitted that still he does not recognize the accused

who snatched their goods.

11. PW-3 Naveen Kumar stated in his chief examination that his statement was recorded before the Magistrate on 25.06.2011, upon which he put his signature, which he identified and marked as Ext.-1. The occurrence took place 8-9 years ago but he does not remember the time. He further stated that one Manoj Kumar came at his home and he went to a mobile phone seller with him, who handed them a mobile phone without any accompanying documents. When they asked for the papers, he refused to provide them. Consequently, they returned the mobile phone to him. In his cross-examination, the witness stated that still he does not recognize the mobile phone seller.

12. PW-4 Manoj Kumar stated in his chief examination that his statement was recorded before Sri Rajeev Ranjan Raman, J.M. 1st class, upon which he put his signature, which he identified and marked as Ext.-1/a. The occurrence took place 8-9 years ago, he does not remember the time. He came to know that one of the boys of his village is selling mobile. Then he along with one Navin went there and purchased a mobile and took it to his home. When his father asked about the papers of mobile then he came back to mobile seller, who refused to provide the papers. Consequently, he returned the mobile phone to him. The witness further stated that still he does not recognize the mobile phone seller, despite that he belong to his village.

13. PW- 5 and PW- 6 have been declared hostile by prosecution as they have not supported the case of prosecution.

14. After hearing the argument laid down on behalf of both the parties and from perusal of evidence available on record it appears that the prosecution has produced and examined altogether six witnesses in the case out of which PW-1 is victim, PW-2 is informant, PW-3 & 4 are purchaser of stolen mobiles only and PW-5 & 6 have been declared hostile.

Although Pw-1 & 2 have supported the case of prosecution in their chief examination but they but they denied to identify the accused facing trial, as culprit, in their chief and cross-examinations. Pw-3 & 4 have not stated anything about the commission of offence u/s-395 IPC. Since this case has been registered against six unknown accused persons and there is no explanation of not conducting the TIP, this gives a circumstance to raise an adverse inference against the prosecution. There is no doubt about taking place of the occurrence but the evidence tendered by the witnesses are neither cogent nor reliable and also not in tune with probabilities of the occurrence. In this case there is no any corroborative material on record and no witness has stated anything to prove the guilt of accused. Hence, the prosecution has miserably failed to prove the case as alleged.

15. So after carefully perusal of the case record, considering the material available on the record and in view of facts and circumstances of the case I am of the opinion that the prosecution has not been able to establish the alleged charges against the accused beyond all reasonable doubts. Accordingly, the above named accused facing trial in this case is hereby acquitted for the charge punishable u/s-395 of I.P.C . Since the accused is already on bail, hence his bailors are also discharged from the liability of their respective bail bonds. O.C. is directed to recall all the process issued, if any.

Pronounced in Open Court by me

Typed and Corrected by me

(Sanjay Kumar Singh)
Addl. Sessions Judge,
Manjhaul, Begusarai
Dated-16.05.2026

(Sanjay Kumar Singh)
Addl. Sessions Judge,
Manjhaul, Begusarai
Dated-16.05.2026

Date of Judgment / Order	16.05.2026
Date of Reserving Judgment / Order	16.05.2026
Uploading Date	20.05.2026
Uploaded by	Stenographer

P.O-Sanjay Kumar Singh (Addl.S.J., Manjhaul)
In the Court of Addl.S.J.Manjhaul (Begusarai)
S.T No-951/2011
Cheriyabariyarpur(Manjhaul) P.S. Case No-72/2011
State of Bihar vs. Babloo Paswan