

**In the Court of Addl. Sessions Judge, Manjhaul (Begusarai)
District-Begusarai (Bihar)**
[As per Gazettee 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-09.03.2026 Sessions Trial No-403/2022
		[Arising out of Cheriabariyarpur P.S. Case No-287/2021 registered for the offences punishable u/s-341, 323, 448, 307, 379, 504, 506, 34 of IPC]
Complainant/ Informant	:	State of Bihar through informant Arun kumar Singh, R/o- Vill+P.S-Cheriyabariyarpur, District-Begusarai
Represented by	:	Shri. Rakesh Kumar, Id. A.P.P
Accused	:	Jitendra Kumar @ Jitendra Singh, aged about-43 yrs, s/o- Surshekhar Singh R/o-vill-Shripur, P.S-Cheriyabariyarpur, District-Begusarai
Represented by	:	Sri Anupam Kumar, Ld. Advocate

Order u/s-255 B.N.S.S.

- 1.** Above named sole accused Jitendra Kumar @ Jitendra Singh is facing trial u/s- 307/34, 323/34, 504/34, 341/34, 506/34, 379/34, 448/34 of I.P.C.
- 2.** The case of the prosecution is in written application of one Arun Kumar Singh who stated that on 28.12.2021 at 06.30 pm accused Ajay Kumar Singh, Jitendra Kumar, Baijnath Singh, Surendra Singh @ Madhav Singh, Shankar Singh, Goutam Kumar assaulted and injured him with iron-rod, butt of pistol and sticks. When his son came to save, they also assaulted him and took away 12000/ rupees from the cash counter of his shop.
- 3.** On the basis of application dated 28.12.2021 of informant Arun Kumar Singh, Cheriabariyarpur P.S Case No-287/2021, u/s- 341, 323, 448, 307, 379, 504, 506, 34 of IPC was registered against six F.I.R. named accused persons Ajay Kr. Singh, Jitendra Kumar, Baijnath Singh, Surendra Singh @ Madhav Singh, Shankar Singh and Gautam Kumar. After investigation, police submitted charge-sheet u/s-323, 341, 448, 307, 504, 506, 34 of I.P.C. against only one accused Jitendra Kumar. On the basis of charge-sheet, Sri. Santosh Kumar, the Ld. A.C.J.M.-1st, Manjhaul took cognizance on 27.04.2022 and kept in personal file for commitment. Thereafter he committed the case to the court of sessions for trial.
- 4.** On 07.02.2024 the charge u/s- 307/34, 323/34, 504/34, 341/34, 506/34, 379/34, 448/34 of I.P.C was framed against the above named accused. The charges were read over and explained to the accused in Hindi to which he pleaded not guilty and claimed to be tried.

5. On 21.02.2026 the accused was examined u/s-351 BNSS wherein he denied the charge against him. The version of the defence is that the accused was not committed any offence and he has been falsely implicated in this case.

6. From perusal of the record it transpires that in the course of trial the prosecution has examined only one witness in support of its case who has been declared hostile by prosecution as the witness has not supported the case of prosecution.

7. Section 255 of the BNSS provides that if after taking the evidence for the prosecution, examining the accused and hearing the prosecution and the defence on the point, the judge considers that there is no evidence that the accused committed the offence, the Judge shall record an order of acquittal.

8. From the perusal of the evidence of prosecution, it is clear that prosecution has examined only one witness, who has been declared hostile. The witness has not stated anything regarding the occurrence. As such, it is a fit case where order of acquittal should be passed in view of section 255 of the BNSS.

9. Considering the above facts and circumstances of the case and material available on the record and after hearing the Ld. counsels of the parties, I am of the view that the prosecution has not proved the allegation against the accused. Accordingly, accused namely, Jitendra Kumar @ Jitendra Singh is **acquitted** of the allegations levelled against him u/s-307/34, 323/34, 504/34, 341/34, 506/34, 379/34, 448/34 of I.P.C. The accused is already on bail, as such his bailors are also discharged from the liability of bail bonds.

(Dictated and corrected)

**Additional Sessions Judge,
Manjhaul (Begusarai)**