

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- 20.05.2026 Sessions Trial No-477/2022 [Arising out of Khodawandpur (Chhaurahi O.P.) P.S. Case No-213/2020 registered for the offences punishable u/s-323, 341, 307, 379, 504, 506, 34 of IPC]	
Complainant/ Informant	:	State of Bihar through informant Pramila Devi, w/o-Bhawani Mahto, r/o-vill-Amari, P.S-Khodawandpur (Chhaurai O.P.), District-Begusarai
Represented by	:	Shri Rakesh Kumar, Id. A.P.P
Accused	:	1. Samima Devi, aged about-35 yrs, w/o-Sanjit Mahto. 2. Parmeshwar Mahto, aged about-36 yrs, s/o-Darghat Mahto Both are r/o-vill-Amari, P.S-Chhaurahi, District-Begusarai
Represented by	:	Md. Shakeel Ahmad, Id. Adv.

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FORM-B

Date of offence	:	16.10.2020
Date of FIR	:	18.10.2020
Date of Charge-sheet	:	Charge Sheet Sl. No-92/2021 dated 06.05.2021
Date of Cognizance	:	21.06.2021
Date of framing of charge	:	26.08.2022
Date of commencement of evidence	:	19.02.2026

Date of statement	:	20.05.2026
Date of Judgement	:	20.05.2026
Date of Sentencing Order, if any	:	N/A

Accused Details

Rank of the accused	A/1 to A/2
Name of the accused	1. Samima Devi 2. Parmeshwar Mahto
Date of arrest	A/1 to A/2- 23.02.2021
Date of release on bail	A/1 to A/2- 23.02.2021
Offence charged with	u/s- 307/34, 341/34, 323/34, 504/34, 506/34 of IPC.
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	Dr. Kamlesh Kumar	Medical witness
PW-2	Nandani Kumari	Eye witness
PW-3	Pramila Devi	Informant
PW-4	Bhawani Mahto	Eye witness
PW-5	Monika Kumari	Eye witness

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PW-6	Anil Kumar Mahto	Hostile
PW-7	Garib Das @ Garib Das Mahto	Hostile

B. Defence

Rank	Name	Nature of evidences [eye witness, police witness, expert witness, medical witness, panch witness and other witness]

List of Prosecution/Defence/Court Exhibits

A. Prosecution

Sr. No.	Exhibit Number	Description
1.	Ext.-P-1/PW-1	Signature of doctor on injury report
2.	Ext.-P-2/PW-3	Signature of informant on written application

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 No-185(Misc.) dated 27.07.2023 of the Id. District and Sessions Judge, Begusarai and received in this court on 16.09.2023]

JUDGMENT

- Above named two accused persons Samima Devi and Parmeshwar Mahto are facing trial u/s- 307/34, 341/34, 323/34, 504/34,

506/34 of IPC. Initially this case was registered against all 03 accused persons however, I.O. had submitted charge sheet against only 02 accused persons and the present case was proceeded against them only .

Prosecution Case

2. The brief case of the prosecution is in written report of one Pramila Devi who stated that on 16.10.2020 at about 9:00 AM, she along with her husband and two daughters was going for cutting paddy crops. On the way, Sanjeet Mahto had tied his cattle on Gairmazarua land. She further stated that as there was difficulty in passing through the way, she asked him to remove the cattle, upon which Shamima Devi, wife of Sanjeet Mahto, her daughter Sweety Kumari, and Parmeshwar Mahto started abusing and assaulting them with lathi and danda. She further stated that thereafter she, along with her husband and two daughters, tried to run away, but Sweety Kumari ran ahead, blocked the way, and assaulted her husband on his head with an iron rod with an intention to kill him, due to which his head was badly injured. She further stated that her husband was already physically disabled and in order to save his life, she and her daughters lay over his body and tried to protect him. She further stated that during the occurrence, Shamima Devi snatched her mangalsutra from her neck and nose-ring from her nose and assaulted her severely with lathi and danda. She further stated that on hearing her cries, villagers arrived there and with their assistance they were taken to the local hospital at Chhaurahi Health Centre for treatment, from where the doctor referred them to Begusarai Sadar Hospital. She further stated that after reaching Begusarai Sadar Hospital, seeing the critical condition of her husband, the doctor referred him to Patna. She further stated that prior to the occurrence also, Sanjeet Mahto had threatened to kill her over a land dispute during the construction of her house, and due to this reason, there was a delay of two days in filing the application.

Investigation

3. On the basis of written application dated 18.10.2020 of informant Pramila Devi, Khodawandpur (Chhaurahi O.P.) P.S. Case No-213/2020, u/s- 323, 341, 307, 379, 504, 506, 34 of IPC was registered against F.I.R. named accused persons namely Samima Devi, Sweety Kumari and Parmeshwar

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Mahto. After investigation, police submitted charge-sheet u/s- 323, 341, 307, 504, 506, 34 of IPC against accused persons namely Samima Dewi and Parmeshwar Mahto. On the basis of charge-sheet, the Ld. S.D.J.M., Manjhaul took cognizance on 21.06.2021 and kept the record in his personal file for commitment. Thereafter he committed the case to the Court of Sessions for trial.

Charge

4. On 26.08.2022 the charge was framed against the above-named accused persons. The charges were read over and explained to the accused persons in Hindi to which they pleaded not guilty and claimed to be tried.

Statement of Accused

5. The statement of accused persons have been recorded on 20.05.2026 and the defence of the accused is that they have not committed any offence and they have 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- 307/34, 341/34, 323/34, 504/34, 506/34 of IPC against the accused persons beyond the shadow of all reasonable doubts or not?

Findings

7. Prosecution has altogether examined seven witnesses to substantiate its case i.e. PW-1-Dr. Kamlesh Kumar, PW-2-Nandani Kumari, PW-3-Pramila Devi, PW-4-Bhawani Mahto, PW-5-Monika Kumari, PW-6-Anil Kumar Mahto and PW-7-Garib Das @ Garib Das Mahto.

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

Ext.- P-1/PW-1 - Signature of doctor on injury report

Ext.- P-2/PW-3 - Signature of informant on written application

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

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11. PW-3 Pramila Devi who was the informant of this case, in her chief examination on 30.03.2026 stated that the incident took place on 16.10.2020 at about 9:00 am. At that time, she along with her husband and two daughters was going towards the field for cutting paddy crops. On the way, Shamima Devi, Parmeshwar Mahto, and Sweety Kumari started abusing and assaulting them with lathi and danda. During the fight, Sweety Kumari, assaulted her husband, Bhawani Mahto with an iron rod and caused injuries to him. When they went to save him, they were also beaten by all of the accused persons. She further stated that her husband was treated at Chhaurahi PHC thereafter he was treated in Sadar hospital Begusarai. Thereafter she gave an application in the police station on which she bears her signature, which she identified and marked as Ext.-P-2/PW3. She identified both the accused persons present before the Court.

However, in her cross-examination she stated that she didn't see who assaulted her husband. She further stated that there was a crowd, due to which she didn't see how she sustained injuries. She filed this case on the basis of suspicion.

12. PW-4 Bhawani Mahto stated in his chief examination on 16.04.2026 that the incident took place on 16.10.2020 at about 9:00 am. He stated that he along with his two daughters was going towards the field for cutting paddy crops. On the way, Shamima Devi, Sweety Kumari, and Parmeshwar Mahto started abusing and assaulting them. He stated that during the fight Sweety Kumai, struck him with an iron rod and caused injuries to him. He said that earlier he was treated in Chhaurahi PHC, thereafter at Sadar hospital Begusarai.

However, in his cross-examination he stated that there was a crowd and therefore he could not say how he sustained injuries. He further stated that the accused persons did not assault him. He said that when he came to know that the accused persons were innocent, he filed a compromise petition before the Court.

13. PW-5 Monika Kumari stated in her chief examination on 16.04.2026 that the occurrence took place on 16.10.2020 at about 9:00 AM. At that time, she along with her father and mother was going towards the field

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for cutting paddy crops. On the way, Shamima Devi, Parmeshwar Mahto, and Sweety Kumari started abusing and assaulting them. She said that Sweety Kumari assaulted her father with an iron rod and caused injuries to him. When she went to save her father, all of the accused persons assaulted her as well. Thereafter, her father was taken to Chhaurahi PHC for treatment and from there he was referred to Sadar Hospital, Begusarai. She identified the accused Shamima Devi present before the Court and said that she could also identify those accused persons who had not appeared, upon seeing them.

However, in her cross-examination she stated that this case was instituted on the basis of suspicion. She was not examined before police. At the time incident she was at her home, the distance from her home to place of occurrence is half kilometer.

14. PW- 6 and PW-7 have been declared hostile by prosecution as they have not supported the case of prosecution.

15. 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 seven witnesses in the case out of which PW-1 is doctor, PW-2 is informant's sister, PW-3 is informant, PW-4 is informant's father, PW-5 is informant's sister and PW-6 & 7 have been declared hostile. Although Pw-2 to 5 have supported the case of prosecution in their chief examination but they have stated in their cross examination that they cannot say who beat informant, her husband and her daughters. The accused facing trial have not assaulted them rather this case was filed on the basis of suspicion only. As far as the evidences of Pw-1 who is doctor is concern. The doctor is the witness, who is himself not present at the place of occurrence but the doctor treats over the person of injured. The evidence of doctor is to be considered only for the purpose of corroboration and contradiction of the story in the FIR and statement of other witnesses. In the present case the deposition of Pw-1 shows that he has only examined the injured but he did not give his opinion regarding nature of injury as the patient was referred for X-ray and CT Scan but there are no such report on the record. As such there is no doubt about taking place of the occurrence but the evidence tendered by the witnesses are neither cogent nor reliable and also

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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.

16. 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 persons beyond all reasonable doubts. Accordingly, the above-named accused persons facing trial in this case are hereby acquitted for the charge punishable u/s- 307/34, 341/34, 323/34, 504/34, 506/34 of IPC. Since the accused persons are already on bail, hence their 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

Sanjay Kumar Singh
20.05.26
(Sanjay Kumar Singh)
Addl. Sessions Judge,
Manjhaul, Begusarai
Dated-20.05.2026

Dictated and corrected

Sanjay Kumar Singh
20.05.26
(Sanjay Kumar Singh)
Addl. Sessions Judge,
Manjhaul, Begusarai
Dated-20.05.2026