

COURT OF PRABHAT KRISHNA, ADDITIONAL SESSIONS JUDGE-IV, BHAGALPUR
S.T. No.-689/2016

STATE Vs Lachchho Das & Ors.

FORM - A

Present:- Prabhat Krishna, Additional Sessions Judge-IV
Date of Judgment: 18-06-2026
S.T. No.-689/2016
Case No:-Jagdishpur P.S. 237/2013

INFORMANT	State through Muneshwar Das
REPRESENTED BY	Sri Puran Prasad Singh, Learned Addl. P.P.
ACCUSED	1. Lachchho Das, age- 49 Years, son of Gultan Das; 2. Rohit Das, age- 32 Years, son of Gopal Das; 3. Sanjo Das, age- 36 Years, son of Lachchho Das; All are R/O village- Koili Rasalpur, P.S.-Jagdishpur, District- Bhagalpur.
REPRESENTED BY	Sri Indrajeet kumar Pankaj, Learned Advocate

FORM B

Date of Offence	12-11-2013
Date of FIR	12-11-2013
Date of Chargesheet	C.S. No. 186/2014 Dated 21-09-2014
Date of Framing of Charges	23-03-2017
Date of Commencement of evidence	04-09-2023
Date on which judgment is reserved	10-06-2026
Date of the Judgment	18-06-2026

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest/Sur render	Date of Release on Bail	Offence Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for Purpose of Section 428 Cr.P.C
1.	Lachchho Das	24.03.2014	05.05.2014	341/34 , 307/34, 504/34 of the I.P.C.	Acquitted	NIL	NIL
2.	Rohit Das	07.09.2014	20.10.2014	341/34 , 307/34, 504/34	Acquitted	NIL	NIL

STATE Vs Lachchho Das & Ors.

				of the I.P.C.			
3.	Sanjo Das	12.03.2014	07.04.2014	341/34 , 307/34, 504/34 of the I.P.C.	Acquitted	NIL	NIL

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES :-

A. Prosecution:

Rank	Name	Nature of Evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
P.W. 1	Nasim Khan	Investigation Officer
P.W. 2	Dr. Vijay Kumar	Medical Witness

B. Defence Witnesses, if any: NONE.

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

	Exhibit No.	Description
1	Ext-P1/ PW1	Endorsement over written report
2	Ext-P2/ PW1	Formal FIR
3	Ext-P3/ PW1	Requisition sent by police to Medical Officer in respect of injured Muneshwar Das
4	Ext-P3/1/ PW1	Requisition sent by police to Medical Officer in respect of injured Fantus Kumar
4	Ext-P4/ PW1	Chargesheet
5	Ext-P5/ PW2	Injury report of Muneshwar Das
6	Ext-P6/ PW2	Injury report of Fantus Kumar Das

B. Defence :- NIL

STATE Vs Lachchho Das & Ors.
J U D G M E N T

1. Above named three accused persons stand charged for the offences punishable u/Ss 341/34, 307/34 and 504/34 of the I.P.C.
2. The prosecution story, to the extent relevant and necessary as unfolded in the written report of informant Muneshwar Das, is that in the evening of 12.11.2013 a quarrel took place between informant's son and his neighbour's son for which accused Lachchho Das started abusing the informant and on protest, he assaulted him (informant). In the meantime, informant's sons Fantus Das and Sunil Das intervened to save the informant on which accused Sanjo Das, Janki Das, Pradeep Das and Rohit Das attacked the informant and his two sons by means of lathi and khanti. On raising alarm, the villagers intervened.

On the basis of the said written report, the police drew up a formal FIR and registered the case vide Jagdishpur P.S. Case No.- 237/2013 u/Ss 447, 341, 323, 307, 504, 34 IPC against all the five named accused persons and proceeded with the investigation.

3. The I.O., after completion of investigation, submitted chargesheet against all the five named accused persons namely Lachchho Das, Janki Das, Sanjo Das, Pradeep Das and Rohit Das finding the accusations true u/Ss 447, 341, 307, 504, 34 of the IPC. The learned Court below, after applying his judicial mind, was pleased to take cognizance accordingly and as two accused Janki Das and Pradeep Das were minors, therefore, their record got separated and sent to Juvenile Justice Board, Bhagalpur vide order dated 16.07.2014 for inquiry and disposal and the case record of rest three accused persons namely Lachchho Das, Sanjo Das and Rohit Das was committed to the Court of Sessions where charges were framed under aforequoted Sections contents of which were read over and explained to them in Hindi to which they pleaded not guilty and claimed to be tried.
4. Now the main point for consideration before this Court is as to whether the prosecution has been able to bring home the charges as levelled against the accused persons beyond the shadow of all reasonable doubts or not.

F I N D I N G S

5. The prosecution, in order to substantiate its charges, has produced and examined altogether two witnesses whose details are mentioned in the appendix attached with the judgment. Defence did not examine any witness and no chit of paper came to be filed on its behalf. So far as documentary evidences on behalf of the prosecution is concerned, the same is also mentioned in detail in the appendix attached with the judgment. In this case, only doctor and the I.O. have been examined and neither informant nor any of the injured witness nor non-official witness has been examined on behalf of the prosecution. Situated thus, let me evaluate and appreciate the evidences of two official witnesses to see as to whether

STATE Vs Lachchho Das & Ors.

the prosecution has been able to bring home the charges as levelled against the accused persons beyond shadow of all reasonable doubts or not and to what extent.

6. PW-01 is Nasim Khan, Investigation Officer of this case, who has not only investigated the case but also submitted chargesheet in this case. This witness has identified and proved the endorsement made over the written report, formal FIR, requisitions sent to the Medical Officer, PHC, Jagdishpur as well as the chargesheet submitted in this case which got marked as Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 3/1 and Exhibit 4 respectively. This witness, during the course of investigation, recorded the restatement of informant, visited the place of occurrence, recorded the statement of injured and other witnesses and identified accused Lachchho Das who was arrested by this witness. In his cross-examination this witness admitted that he didn't find any remarkable thing at the place of occurrence and further admitted not to have prepared the site map of the place of occurrence. This witness admitted that both parties are related to each other and further claimed to have come to know the dispute between the children as the reason of occurrence in this case.

PW 2 is Dr. Vijay Kumar who had examined Muneshwar Das and Fantus Kumar Das and proved their injury reports which got marked as Exhibit P5/PW2 and P6/PW2 respectively. This expert medical witness found one bruise of size 1"x1/3" over left elbow diffuse on the person of injured Muneshwar Das and opined the same as simple in nature caused by hard and blunt substance. Again, this witness found one lacerated wound of size 7"x skin thick over central part of head on the person of injured Fantus Kumar Das and opined the same as simple in nature caused by hard and blunt substance. In his cross-examination this witness admitted that both the injuries are simple in nature and can occur by falling.

7. The fulcrum of prosecution case is the written report of informant Muneshwar Das in which there is allegation against the accused persons of brutally assaulting the informant and his sons by means of lathi and khanti on their heads which led the F.I.R. to get registered u/S 307 alongwith other Sections of the I.P.C. in which Section 307 of the I.P.C. is exclusively triable by the Court of Sessions but the prosecution has miserably failed to prove the same.
8. To prove the charge for the offence punishable u/S 307 of the I.P.C. the nature of the injury is immaterial but the intention or knowledge of the accused person is required to be ascertained for causing that intended injuries and for deciding the required intention or knowledge the same has got to be proved like any other ingredients of an offence. But it is equally true that these ingredients, being state of mind, the same can be ascertained after taking into consideration the attending facts and circumstances of the case alongwith the ocular and medical evidence available on the record.

As discussed earlier, the ocular evidence on this point is next to nothing as none of the injured of this case has been examined on behalf of the prosecution. As

STATE Vs Lachchho Das & Ors.

per F.I.R., not only informant but his two sons namely Fantus Das and Sunil Das were brutally assaulted by means of lathi and khanti but neither informant nor any of his two injured sons turned up before the Court in support of the prosecution version. Record reveals that F.I.R. was lodged in this case on 12.11.2013 and charges were framed on 23.03.2017 but in spite of lapses of more than nine long years and after issuance of all the processes including non bailable warrant of arrest as well as letter sent to the S.S.P., the prosecution failed to produce the informant and his two sons who are alleged to have sustained injuries. The examination of official witnesses are not sufficient enough to bring home any charge if non-official witness including informant and injured are not examined in a case. It is well settled that medical evidence is not sufficient enough to prove the charge for the offence punishable u/S 307 of the I.P.C. when ocular evidence is nil. Assuming but not admitting that both the injury reports are related to both the injured of this case, still no conviction can be held in absence of examination of injured or eye witness of the case. So far as, the examination of I.O. is concerned, he has only investigated the matter and submitted chargesheet in this case but he has not seen the occurrence and therefore except for proving the place of occurrence and for proving the contradiction the prosecution cannot take any benefit from his evidence when neither the informant nor the injured or any non-official witness is examined.

9. In this case, substantive evidences available on record are completely lacking the required force to bring home the charges levelled against the accused persons. The fulcrum of the prosecution case is the written report of the informant but it is equally true that F.I.R. itself is not a substantive piece of evidence. In catena of decisions, it has been held that the F.I.R. itself is not the proof of a crime but is a piece of evidence which could be used for corroborating the case of the prosecution. It can only be used to corroborate the statement of the maker u/S 157 of the Evidence Act or to contradict u/S 145 of that Act. It cannot be used for the purpose of corroborating or contradicting other witnesses. In this case, the informant himself has not turned up before the Court to support the case of prosecution and as if it was not enough, none of the two other injured persons turned up before the Court. From perusal of chargesheet it transpires that informant's wife Lata Devi and two other persons are also named as witnesses in the column of chargesheet but none of them turned up before the Court to support the case of prosecution. In short, there is no substantive evidence on record on behalf of the prosecution. Thus, the very foundation of the case suffers from the vice of unreality. Testimonies of witnesses, even if taken on their face value, fall short of the requirements of proof of the charges beyond all reasonable doubts. The accused persons are, therefore, entitled to the benefit of doubt in the singular facts and circumstances of this case.
10. In the light of the discussions held in the preceding paras on laws, facts, evidences and circumstances and after sifting and weighing the evidences and materials

STATE Vs Lachchho Das & Ors.

available as well as brought on record, this Court is of the considered opinion that the prosecution has utterly and miserably failed to bring home any of the charges against any of the accused persons facing trial in this case beyond the shadow of all reasonable doubts for want of cogent and consistent ocular and documentary evidences. Resultantly, all the three accused persons facing trial are not found guilty of any of the charges levelled against them and are, accordingly, hereby acquitted of all the charges from this case and are further hereby discharged from the liabilities of their respective bail- bonds.

Dictated & corrected by me

Sd/-

**Additional Sessions Judge-IV
Bhagalpur
18-06-2026**

Sd/-

**PRABHAT KRISHNA
Additional Sessions Judge-IV
Bhagalpur
18-06-2026**

Date of judgment/order	18.06.2026
Date of Reserving judgment/order	-
Uploading Date	23.07.2026
Uploaded by	Stenographer