

In the Court of Sri Motish Kumar Singh, Sessions Judge, Siwan.
Sessions Trial No. 77/2022
State Vs. Usha Devi & Others

Present: **Motish Kumar Singh, Sessions Judge, Siwan.**

Date of Judgement : 25.06.2026

Sessions Trial No. 77/2022

(Arising out of Bhagwanpur Hat P.S. Case No. 146/2018)

STATE OF BIHAR

Represented by : Sri Pramil Kumar(Gop Babu) , Ld. P.P.

Vrs.

1. Usha Devi W/o- Sama Tiwari, age about 50 years,
2. Kamalawati Devi W/o-Uma Tiwari@ Umashankar Tiwari, age about 70 years,
3. Nitesh Tiwari@ Nitesh Kumar S/o- Sama Tiwari, age about 32 years,
4. Munna Tiwari S/o- Uma Tiwari@ Umashankar Tiwari, age about 40 years,
5. Saroj Tiwari S/o- Uma Tiwari@ Umashankar Tiwari, age about 42 years,
6. Gauri Tiwari@ Gaurishankar Tiwari S/o- Late Pravesh Tiwari@ Rampravesh Tiwari, age about 55 years,
7. Heera Devi W/o- Gauri Tiwari@ Gaurishankar Tiwari, age about 50 years,
8. Sama Tiwari S/o- Late Rampravesh Tiwari@ Late Pravesh Tiwari, age about 60 years.

All are R/o- Piparhiya, under Bhagwanpur Hat P.S, District-Siwan.

..... Accused persons

Represented by : Sri Anupam Rahul Raj, Ld. Advocate.

FORM-A

Date of offence	05.07.2018
Date of F.I.R	07.07.2018
Date of Charge sheet	14.10.2018
Date of Framing of charges	29.04.2022
Date of commencement of evidence	02.06.2022
Date on which judgement is reserved	24.06.2026
Date of the judgement	25.06.2026
Date of the Sentencing Order, if any	N/A

FORM-B

Accused Details:-

Rank of the Accused	A-1 to A-8 (Eight)
Name of the Accused	A-1: Usha Devi A-2: Kamalawati Devi A-3: Nitesh Tiwari@ Nitesh Kumar A-4: Munna Tiwari A-5: Saroj Tiwari A-6: Gauri Tiwari@ Gaurishankar Tiwari, A-7: Heera Devi A-8: Sama Tiwari

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Date of Arrest	N/A
Date of Release on Bail	11.07.2018, 13.07.2018, 19.07.2018, 01.08.2018
Offences charged with	341/34, 323/34, 324/34, 307/34, 379 of IPC.
Whether Acquitted or Convicted	Acquitted
Sentence Imposed	N/A
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	N/A

JUDGEMENT

1. All the above-named accused persons are facing trial for the charge of offences punishable under sections 341/34, 323/34, 324/34, 307/34, 379 of IPC. The occurrence is alleged to have taken place on 13.09.2016 at about at village- Piparhiya under Bhagwanpur Hat P.S, District- Siwan.

FACTS IN BRIEF

2. Facts of the case in nutshell, as per written report of the informant(Sambhu Singh) is that on 05.07.2018 at about 02:00 P.M, when the informant and his family members went to meet the Circle Officer on being called by him, all the accused-persons attacked the informant and his family members with farsa, garasa and lathi-danda, due to which informant and his family members sustained injury, and they also took Rs. 15700/- from the informant's pocket.

3. On the basis of the above written report, an F.I.R bearing Bhagwanpur Hat P.S Case No. 146/2018 was registered under sections 341, 323, 324, 379/34 of IPC. After investigation Charge-sheet No. 156/2018 dated 14.10.2018 was submitted against the above-named accused persons under sections 341, 323, 324, 307, 379/34 of IPC. Subsequently, A.C.J.M-II, Siwan took cognizance of offence on 05.01.2019 under sections 341, 323, 324, 307, 379/34 of IPC and committed the case to the Court of Sessions.

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After commitment, this case got to be numbered as Sessions Trial No. 77/2022 and the same was kept in the file of this Court for the trial and disposal.

4. After appearance of all the above-named accused persons, they had been charged under sections 341/34, 323/34, 324/34, 307/34, 379 of IPC to which, they pleaded not guilty and claimed to be tried.

5. Thereafter, the prosecution adduced their evidence and after closing of the prosecution evidence, statement of the accused-persons was recorded under section 313 of Cr.P.C, in which they denied all the allegations and the evidence as led by the prosecution against them and they claimed to be innocent. Defence did not adduce any evidence.

ARGUMENTS ON BEHALF OF ACCUSED PERSONS:

6. Learned defence counsel submitted that none of the prosecution witnesses have supported the prosecution case. Even the informant has not supported the prosecution case. The prosecution has totally failed to prove the charges levelled against the accused persons. Thus, learned counsel prays that accused persons are entitled for acquittal from all the charges.

ARGUMENTS ON BEHALF OF PROSECUTION

7. Learned P.P submitted that out of all three witnesses, two witness has not supported the prosecution case and they had been declared hostile and also cross examined by the prosecution but they did not supported the prosecution case. One witness though not declared hostile but unfortunately, he has also not supported the prosecution case. The remaining witnesses are doctor and I.O could not be examined. Ld. P.P further submitted that decision may be passed on merit.

POINT FOR DETERMINATION

8. The point for determination in this case as to whether the prosecution has been able to prove its case against the accused persons beyond all reasonable doubts or not?

FINDINGS

9. In order to substantiate the charges, prosecution examined altogether three witnesses:-

P.W. 1 is Bharat Singh,

P.W. 2 is Pappu Kumar Singh,

P.W. 3 is Sambhu Singh(informant of this case),

10. First of all, I would like to go through the evidence of **P.W. 3 Sambhu Singh**, who is the informant of this case and this witness, in his examination-in-chief stated he is the informant of this case. The incident occurred in 2018 and he does not remember the date and time. He was not present at the place of occurrence. When he arrived later, he was informed that there had been some commotion and scuffle. He proved his written application, which has been marked as **Exhibit-P-1/PW 3**. He was declared hostile on the request of the prosecution and was cross-examined by Ld. P.P. He denied any previous statement given by him before the police. He identify the accused namely Saroj Tiwari who present in the doc and he also recognize the other accused-persons who are not present in the Court today and he denied the suggestion that he has hidden the true facts and given a false statement under their influence.

During his cross-examination by accused persons, he stated that his statement was not recorded before the police. He is not an eye witnesses in this case. Saroj Tiwari is his neighbour, so he recognize him. He stated that whatever statement was given before the Court, was given voluntarily without any pressure.

11. Likewise, **P.W. 1 Bharat Singh** in his examination-in-chief he deposed that he knew his villagers Sambhu Singh, Ravindra Singh and Jaiprakash Singh. These people were beaten 7 years ago at 02:00 P.M. They were injured in fight with Umashankar Tiwari and others. The injured were treated in Bhagwanpur. When he arrived at the place of occurrence after hearing the commotion and saw that these people were injured. The fight took place due to land dispute.

During his cross-examination by accused persons, he stated that his statement was not recorded before the police. He has told only what

he heard about the occurrence. He did not see anyone being beaten in the incident. Accused-persons are his villagers, so he recognize them. He further deposed that whatever statement was given before the Court, was given voluntarily without any pressure.

12. P.W. 2 Papu Kumar Singh in his examination-in-chief he deposed that his statement was not recorded before the police. He has no knowledge about the occurrence. He was declared hostile on the request of the prosecution and was cross-examined by Ld. P.P. He denied any previous statement given by him before the police. He identify the accused namely Saroj who present in the doc and he also recognize the other accused-persons who are not present in the Court today and he denied the suggestion that he has hidden the true facts and given a false statement under their influence.

During his cross-examination by accused persons, he stated that whatever statement was given before the Court, was given voluntarily without any pressure. Saroj Tiwari is his villager, so he recognize him.

13. Doctor did not turn-up to prove injury report. Prosecution also failed to examine the I.O of this case, even after being given several opportunities.

14. Thus, from the analysis of oral and documentary evidence, it is clear that the prosecution has miserably failed to prove any of the charges levelled by it against the accused persons.

ORDER

15. In premise of foregoing facts and circumstances and after given due consideration of the evidences, both oral and documentary, available on the record, this Court finds that the prosecution has not been able to prove its case, much less beyond reasonable doubt. Therefore, the accused-persons namely **(1) Usha Devi** W/o- Sama Tiwari, **(2) Kamalawati Devi** W/o-Uma Tiwari@ Umashankar Tiwari, **(3) Nitesh Tiwari@ Nitesh Kumar** S/o- Sama Tiwari, **(4) Munna Tiwari** S/o- Uma Tiwari@ Umashankar Tiwari, **(5) Saroj Tiwari** S/o- Uma Tiwari@ Umashankar Tiwari, **(6) Gauri Tiwari@ Gaurishankar Tiwari** S/o- Late Pravesh Tiwari@ Rampravesh Tiwari, **(7) Heera Devi** W/o- Gauri

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Tiwari@ Gaurishankar Tiwari, **(8) Sama Tiwari** S/o- Late Rampravesh Tiwari@ Late Pravesh Tiwari are hereby **acquitted** from all charges of sections 341/34, 323/34, 324/34, 307/34, 379 of IPC.

16. The accused persons are already on bail, however, their bail bonds shall remain extended for next six months as per requirements of section 437(A) of Cr.P.C. Thereafter, their bail bonds shall stand automatically cancelled and sureties shall stand discharged from their liabilities.

17. Office is directed to send one copy of this judgement to the District Magistrate, Siwan for his information and record.

18. The office is further directed to consign the record of this case to the record room after necessary compliance.

Pronounced in open Court on this 25th day of June, 2026.

Dictated and Corrected by me

S/d-
(Motish Kumar Singh)
Sessions Judge, Siwan.
25.06.2026.

S/d-
(Motish Kumar Singh)
Sessions Judge, Siwan.
25.06.2026.

APPENDIX

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

Rank	Name	NATURE OF DEFENCE (Eye Witness, Police Witness, Expert Witness, Midical Witness, Panch Witness, other Witness)
P.W. 1	Bharat Singh	Witness
P.W. 2	Papu Kumar Singh	Witness
P.W. 3	Sambhu Singh	Witness(informant)

B. Defence Witnesses, if any: NIL.

Rank	Name	NATURE OF DEFENCE (Eye Witness, Police Witness, Expert Witness, Midical Witness, Panch Witness, other Witness)
N/A	N/A	N/A

C. Court Witnesses, if any: NIL.

Rank	Name	NATURE OF DEFENCE (Eye Witness, Police Witness, Expert Witness, Midical Witness, Panch Witness, other Witness)
N/A	N/A	N/A

LIST OF PROSECUTION/DEFENCE/COURT EXHIBIT

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Exhibit- P-1/PW 3	Singnature of informant Sambhu Singh on the written report.

B. Defence:

Sr. No.	Exhibit Number	Description
1	Nil	
2	Nil	

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Nil	
2	Nil	

D. Material Objects:

Sr. No.	Material Object Number	Description
1	Nil	
2	Nil	

S/d-
Sessions Judge, Siwan
25.06.2026

Date of Judgement/Order	25.06.2026
Date of Reserving Judgement/Order	24.06.2026
Uploading on	13.07.2026
Uploaded by	Nitesh Kumar