

STATE vs Om Prakash Azad & Ors.

FORM - A

Present:- Prabhat Krishna, Additional Sessions Judge-IV
Date of Judgment: 30-06-2026
S.T. No.-322/2026
Case No:-Nathnagar P.S. 33/2018

INFORMANT	State through Kishor Kumar
REPRESENTED BY	Sri Bindeshwari Lal Yadav, Learned Addl. P.P.
ACCUSED	1. Om Prakash Azad, age-60 Years, son of Late Sohan Mandal; 2. Reena Devi, age-55 Years, wife of Om Prakash Azad; 3. Chand Kumar @ Chandratma Azad, age-26 Years, 4. Suraj Kumar @ Suryatma Azad, age-29 Years, Both are son of Om Prakash Azad; All are R/O village- Ramchandrapur Navtoliya, P.S.- Nathnagar, District- Bhagalpur.
REPRESENTED BY	Sri Gopal Prasad Mandal, Learned Advocate

FORM B

Date of Offence	17-01-2018
Date of FIR	17-01-2018
Date of Chargesheet	C.S. No. 195/2018 Dated 30-09-2018
Date of Framing of Charges	09-06-2026
Date of Commencement of evidence	16-06-2026
Date on which judgment is reserved	24-06-2026
Date of the Judgment	30-06-2026

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest/Surrender	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

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1.	Om Prakash Azad	20.01.2018	21.02.2018	307/34, 323/34, 341/34 and 504/34 of the I.P.C.	Acquitted	NIL	NIL
2.	Reena Devi	01.06.2018	01.06.2018	307/34, 323/34, 341/34 and 504/34 of the I.P.C.	Acquitted	NIL	NIL
3.	Chand Kumar @ Chandratma Azad	01.06.2018	01.06.2018	307/34, 323/34, 341/34 and 504/34 of the I.P.C.	Acquitted	NIL	NIL
4.	Suraj Kumar @ Suryatma Azad	01.06.2018	01.06.2018	307/34, 323/34, 341/34 and 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	Kishor Kumar @ Ritesh Kumar	Informant
P.W. 2	Meena Devi	Injured
P.W. 3	Pooja Kumari	Related Witness

B. Defence Witnesses, if any: NONE.

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit No.	Description
1	Ext-P1/PW1	Signature of informant over written report

B. Defence :- NIL

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J U D G M E N T

1. All the above named four accused persons stand charged for the offences punishable u/Ss 307/34, 323/34, 341/34 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 Kishor Kumar, is that on 17.01.2018 goat belonging to accused Om Prakash Azad grazed wheat crop standing over the land of informant and when informant's sister Pooja Kumari complained to Om Prakash Azad, accused Om Prakash Azad, Suraj Kumar, Chand Kumar, wife of Suraj Kumar and Reena Devi abused and assaulted informant's mother Meena Devi as well as informant's sister Pooja Kumari. It is alleged that accused Om Prakash Azad assaulted informant's mother on her waist and wife of accused Suraj Kumar caught hold of informant's sister whereafter accused Chandan Kumar assaulted her by means of lathi on her left hand.

On the basis of the said written report, the police drew up a formal FIR and registered the case vide Nathnagar P.S. Case No.- 33/2018 u/Ss 341/323/325/307/354(B)/504/34 of the IPC against all the six named accused persons and proceeded with the investigation.
3. The I.O., after completion of investigation, submitted charge sheet against five accused persons namely Om Prakash Azad, Chand Kumar, Suraj Kumar, Guddi Devi and Reena Devi finding the accusations true u/Ss 341/323/354(B)/307/504/34 of the IPC. The learned Court below, after applying his judicial mind, was pleased to take cognizance accordingly and as one of the accused namely Guddi Devi died, therefore, further proceedings against her came to be dropped vide order dated 15.04.2026 and after complying with the provision, as contained u/S 207 of the Cr.P.C., the case was committed to the Court of Sessions where charges were framed under aforequoted Sections contents of which were read over and explained to rest four accused persons 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 person beyond the shadow of all reasonable doubts or not.

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FINDINGS

5. The prosecution, in order to substantiate its charges, has produced and examined altogether three witnesses whose details are mentioned in the appendix attached with the judgment. Further, defence did not examine any witness and no chit of paper came to be filed on its behalf. So far as documentary evidence on behalf of prosecution is concerned, except the signature of informant over written report which got marked as exhibit P1/PW1, no chit of paper came to be filed on its behalf. Also, neither the doctor nor the I.O. of this case has been examined. Situated thus, let me first of all evaluate and appreciate the evidence of informant and thereafter other evidences will be discussed to see as to whether 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. The very informant of this case is Kishor Kumar alias Ritesh Kumar who is examined as PW1 and while deposing before the Court this witness stated that three years ago at about 05:00 pm while he was away from his house, a dispute relating to electricity took place with accused persons in which a brick fell down on his mother Meena Devi causing injuries. This witness stated that he came to know about the occurrence when he came back to his house. During the course of his evidence this witness proved his signature over the written report which got marked as exhibit P1/PW1. In his cross-examination, this witness categorically stated that he was not present at his house at the time of occurrence and deposed what he had heard from others. Further, this witness expressed ignorance about the contents of the written report and stated that neither he went through the written report nor any body read it over to him and he only put his signature over the written report. In para 11 of his cross-examination this witness stated that in the scuffle her mother fell down and sustained injury and categorically stated that he has no knowledge as to who pushed his mother. This witness admitted that accused persons are his close relatives and concluded by stating that none of the accused persons were indulged in the occurrence.

PW2 is Meena Devi who happens to be the mother of the informant as well as one of the victims of this case and while deposing before the Court she stated that in the quarrel she was pushed down as a result of which she fell down on a brick and sustained injury for which she was treated at Nathnagar and Patna. This witness claimed to have sustained injuries on her waist and knee and also stated that her daughter Pooja Kumari has also sustained injuries. In her cross-examination this witness categorically stated that she has no knowledge as to who pushed her in the scuffle but she sustained injury on her waist after falling on the brick and concluded by categorically stating that no one had assaulted her.

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PW3 is Pooja Kumari who happens to be the sister of the informant as well as one of the victims of this case and while deposing before the Court she stated that scuffle had taken place with accused persons for electric wire in which her mother had sustained injuries but she didn't sustain any injury. In her cross-examination this witness stated that her mother fell down in the scuffle and sustained injuries and concluded by categorically stating that no one had assaulted her mother. As stated above, neither the doctor nor the I.O. has been examined in this case and no independent witness has been examined by the prosecution.

7. The fulcrum of prosecution case is the written report of informant in which there is allegation against the accused persons of assaulting informant's mother and sister by means of lathi causing injuries to them 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 the evidences of informant (PW1) as well as injured Meena Devi (PW2) and informant's sister Pooja Kumari (PW3). As per written report of informant, his mother was assaulted on her waist by means of lathi by accused Om Prakash Azad and informant's sister was assaulted on her left hand by means of lathi by accused Chandan Kumar. However, when examined before the Court as PW1, the informant stated that no one had assaulted his mother Meena Devi and as she fell down on a brick, she sustained injuries. Again, PW2 Meena Devi who happens to be the injured of this case, herself stated before the Court that in the scuffle someone pushed her in which she fell down on a brick and sustained injury on her waist and knee and categorically stated that no one had assaulted her. Similarly, PW3 Pooja Kumari happens to be the another injured of this case as per written report of the informant but while deposing before the Court she categorically stated that she didn't sustain any injury and so far as injury sustained by her mother Meena Devi is concerned, she had fell down in the scuffle and no one had assaulted her. In short, there is no ocular evidence on the point of assaulting or making an attempt by accused persons to take life of

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informant's mother Meena Devi. And last but not the least, neither the injury report has been brought on record nor the doctor has been examined and to utter surprise, the I.O. of this case has also not been examined in support of prosecution case. Therefore, it is next to impossible to ascertain the required intention and knowledge of assailants to constitute the offence punishable u/S 307 of the I.P.C. Thus, the prosecution has miserably failed to bring home the charge for the offence punishable u/s 307 of the I.P.C.. So far as charge for the offence punishable u/S 323 of the I.P.C. is concerned, the informant as well as injured have categorically stated that no one had assaulted Meena Devi and injured Pooja Devi categorically stated that she didn't sustain any injury in the occurrence. In such view, the charge for the offence punishable u/S 323 of the I.P.C. also fails against accused persons. Similarly, none of the witnesses has deposed that accused persons wrongfully restrained informant's mother Meena Devi or informant's sister Pooja Kumari and none of them has whispered about the use of filthy words by the accused persons. Therefore, charges for the offences punishable u/Ss 341 and 504 of the I.P.C. also flatly falls on the ground.

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 is a hearsay witness and has not supported the case of prosecution on the point of manner of assault and even the injured persons have not pointed any finger towards the accused persons and have given clean chit to them by stating that none of the accused persons had assaulted them. Thus, the very foundation of the case suffers from the vice of unreality. Testimonies of informant and other eye 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 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

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reasonable doubts for want of cogent and consistent ocular and documentary evidences. Resultantly, all the four accused person 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
30-06-2026**

**PRABHAT KRISHNA
Additional Sessions Judge-IV
Bhagalpur
30-06-2026**

Date of judgment/order	30.06.2026
Date of Reserving judgment/order	-
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