

IN THE COURT OF EXCLUSIVE SPECIAL COURT (SC/ST ACT) DISTRICT: BHAGALPUR, BIHAR Present: Sri Amit Kumar Singh, Special Judge The 30th day of May, 2026 Special Case (SC/ST) No. 176/2021 CNR No. BRBG01-006731-2021 Arising out of Ishakchak PS Case No. 163/2021	
INFORMANT	The State of Bihar through Kailash Harijan
REPRESENTED BY	Sri Ramesh Choudhary Learned Special Public Prosecutor for the State
ACCUSED PERSONS	(A-1) Prem Kumar Sah @ Chotu Kumar, son of Raghunandan Sah, aged about 27 years; (A-2) Anand Kumar Sah son of Raghunandan Sah, aged about 31 years; (A-3) Sunita Devi, wife of Raghunandan Sah, aged about 61 years; and (A-4) Khushboo Devi, daughter of Raghunandan Sah, aged about 38 years All residents of Nilkanth Colony, PS Ishakchak, District Bhagalpur, Bihar
REPRESENTED BY	Sir Md. Altaf Sheikh, Learned Advocate

Chronology of the Case

Date of Offence	24.10.2021
Date of FIR	25.10.2021
Date of Charge sheet	10.12.2021
Date of Cognizance	20.12.2021
Date of Framing of Charge	05.08.2022
Date of Commencement of Evidence	22.09.2022
Date of Statement of accused under section 313 of Code of Criminal Procedure, 1973	12.02.2026
Date on which Judgment is reserved	19.05.2026
Date of the Judgment	30.05.2026
Date of the Sentencing Order, if any	NA

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.
A-1	Prem Kumar Sah @ Chotu Kumar	15.11.2021	15.11.2021	Sections 341, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (POA) Act	Acquitted	NA	NA
A-2	Anand Kumar Sah	15.11.2021	15.11.2021		Acquitted	NA	NA
A-3	Sunita Devi	02.11.2021	02.11.2021		Acquitted	NA	NA
A-4	Khushbu Devi	02.11.2021	02.11.2021		Acquitted	NA	NA

J U D G M E N T

1. This judgment arises out of the prosecution instituted under the Indian Penal Code, 1860 [hereinafter referred to as 'the IPC' only] and the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 [hereinafter referred to as 'the SC/ST Act' only], wherein the accused persons A-1, A-2, A-3 and A-4 stand charged for commission of offences punishable under Sections 341, 323, 504, 506 read with 34 of the IPC Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act.

Prosecution Case

2. The prosecution case is primarily founded upon the written report of the informant Kailash Harijan. As per his written report, the prosecution case, in brief, is that the accused persons A-1, A-2, A-3 and A-4 who all are from one family, used to abuse the informant by saying that '*saala chamar ghar ke same bas gaya hai*' on 24.10.2021 at 6 AM the accused A-3 told '*saala Chamar ke deh par thooko*' and threw leftover food [*jootha khana*] on motorcycle of the informant's son and given caste-based abuse to him. when the informant opposed, the accused persons A-1 and A-2 entered into the house of the informant and caught hair of his wife Phoolo Devi and gave threat of life of his son. It is further alleged that the informant's daughter-in-law opposed, then she was also pushed by the accused A-2.

Registration of Case and Progress of Investigation

3. Pursuant to the written report of the informant, a formal First Information Report was lodged *vide* Ishakchak PS Case No. 163/ 2021, under Sections 341, 323, 504, 506, 509/34 of the IPC and Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, implicating the four accused persons.

4. Upon conclusion of investigation, the Investigating Officer, Mahesh Paswan, submitted Charge-Sheet No. 175/ 2021 dated 10.12.2021 against the accused persons A-1, A-2, A-3 and A-4 for offences punishable under Sections 341, 323, 504, 506, 509/34 of the IPC and Sections 3(1)(r) and 3(1)(s) of the SC/ST Act.

Cognizance of Offence

5. Upon submission of the charge-sheet, the then learned Special Judge, Exclusive Special Court [SC/ST Act], Bhagalpur, Bihar, having perused the case materials on record, was satisfied that a *prima facie* case was made out. Accordingly, on 20.12.2021, the Court took cognizance of the offences punishable under Sections 341, 323, 504, 506, 509/34 of the IPC and Sections 3(1)(r) and 3(1)(s) of the SC/ST Act.

Framing of Charge

6. After appearance of the accused persons and upon hearing both parties and due consideration of the materials available on record, the then learned Special Judge, Exclusive Special Court [SC/ST Act], Bhagalpur, Bihar proceeded to frame charge on 05.08.2022 against all the four accused persons for offences punishable under Sections 341, 323, 504, 506/34 of the IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST

Act. The charges were duly read over and explained to the accused persons, to which they pleaded not guilty and opted to face trial.

Trial

7. During trial of this case, to substantiate its stance, the prosecution has adduced the evidence of three witnesses:

PW-1	Sumant Kumar
PW-2	Chhabilal Das
PW-3	Kailash Harijan

Apart from oral testimony of witnesses, the prosecution has also brought on record only the signature of the informant on the written report [typed] as evidence which is Ext. P-1/PW-3.

Examination Under Section 313 of the CrPC and Defence Stand

8. Upon conclusion of the prosecution evidence, the statements of the accused persons were duly recorded on 12.02.2026 under Section 313 of the CrPC. The tenor of their responses clearly reflected a plea of complete denial of the allegations. In support of their defence plea of false implication and in rebuttal of the charges framed against them, the accused persons brought on record some documents which are Ext. D-1 Certified copy of FIR of GR Case No. 4510/2021; Ext. D-2 Certified copy of Informatory Petition [Sanha] No. 1263/2018. Three paper cutting have also been brought on record which are Mark as A, B and C respectively.

Arguments Advanced by Both the Sides

9. I have already heard arguments of learned Counsels of both sides and perused the entire case record. Learned Special Public Prosecutor submitted that the prosecution has been able to establish that the accused persons has assaulted and abused the informant calling him names and using castiest slurs upon him. The learned Special Public Prosecutor argued that though two of its witnesses have turned hostile to the prosecution case but the informant has fully supported the case and it is not the number of the witnesses rather the quality of the evidence matters in order to prove the case and the defence side has failed to bring out anything from any of the prosecution witness to contradict the prosecution case. The learned Special Public Prosecutor therefore prays that the accused persons be held guilty and convicted in accordance with law.

10. *Per contra*, the learned defence counsel submitted that the prosecution has utterly failed to prove its case beyond reasonable doubt. It is argued that PW-1 and PW-2, who were cited as witnesses, have turned hostile, and denied knowledge of the occurrence thereby weakening the prosecution version, while PW-3, the informant who has examined during the trial and but failed to produce any of his family members before this court for their examination. Thus, there is nothing on record to support the informant’s evidence. The defence emphasized that there is no direct eyewitness account linking accused persons to the alleged offence. It was further contended that the prosecution has also failed to examined the Investigating Officer of the case. The defence argued that the

prosecution has failed to establish the charges, and the accused persons are entitled to acquittal. It is submitted that the present accused persons – A-1, A-2, A-3 and A-4 – have been falsely implicated due to previous enmity, and no specific overt act has been attributed to them in the evidence. Lastly, invoking the well-established principle that it is better to let ten guilty escape than to punish one innocent, the learned defence counsel prayed that the accused persons be acquitted of all charges, as the prosecution has failed to discharge its burden of proof.

Points for Determination

11. Upon consideration of the materials on record, the charges framed, and on the backdrop of the rival contentions urged at the bar, the following points arise for determination in the present case for its proper adjudication:

- 1) Whether the accused persons wrongfully restrained the informant or his family members on 24.10.2021 at about 6:00 A.M. inside the house of the informant, thereby committing an offence punishable under Section 341 of the IPC.
- 2) Whether the accused persons voluntarily caused hurt to Phoolo Devi, wife of the informant, or to his daughter-in-law Priti Kumari, thereby committing an offence punishable under Section 323 of the IPC.
- 3) Whether the accused persons intentionally insulted the informant and his family members by using caste-based abusive language, knowing or intending that such provocation would cause breach of peace, thereby committing an offence punishable under Section 504 of the IPC.
- 4) Whether the accused persons threatened the informant with injury to the life of his son, thereby committing criminal intimidation punishable under Section 506 of the IPC.
- 5) Whether the acts alleged were committed by the accused persons in furtherance of their common intention, thereby attracting Section 34 of the IPC.
- 6) Whether the accused persons intentionally insulted or intimidated the informant, a member of Scheduled Caste, by caste name in a place within public view, thereby committing an offence punishable under Section 3(1)(r) of the SC/ ST Act.
- 7) Whether the accused persons abused the informant by caste name with intent to humiliate him within public view, thereby committing an offence punishable under Section 3(1)(s) of the SC/ ST Act.
- 8) Whether the offences under the IPC were committed against the informant and his family on the ground that they belong to Scheduled Caste, thereby attracting Section 3(2)(va) of the SC/ ST Act.

Evidence adduced by the Prosecution Side

12. Now, for the sake of clarity and convenience, I proceed to examine the prosecution evidence on record alongside the submissions advanced by both parties in relation to the points framed for determination. Before delving into the rival arguments, it is considered appropriate to first present a brief overview of the evidentiary material available on record.

13. **PW-1 Sumant Kumar** has not supported the prosecution case. In his examination-in-chief he categorically stated that he had no knowledge of the occurrence and had not given any statement to the police. On the request of the prosecution, he was declared hostile. In his cross-examination by the learned Special Public Prosecutor, he denied the suggestion that he had made any statement before the police regarding caste-based abuse by accused A-3. Thus, PW-1 does not advance the prosecution case in any manner.

14. **PW-2 Chabilal Das** also failed to support the prosecution version. He deposed that he had no knowledge of the occurrence and had not given any statement to the police. He too was declared hostile. In his cross-examination he denied the suggestion that accused A-1 had assaulted the informant and abused him by his caste name. He further denied the suggestion that he was deposing falsely in favour of the accused. Accordingly, PW-2 also does not lend any support to the prosecution case.

15. **PW-3 Kailash Harijan**, the informant himself, has supported the prosecution case in material particulars. He deposed that on 24.10.2021 at about 6:00 A.M. the accused persons A-1, A-2, A-3 and A-4 abused him by his caste name and threatened him. He further stated that accused A-3 spat upon his son Om Prakash, accused A-4 threw leftover food [*jootha khana*] upon the motorcycle, and said "*chamar mere aage aakar bas gaya hai.*" When this witness opposed, the accused persons A-1 and A-2 assaulted his wife Phoolo Devi by holding her hair and also assaulted his daughter-in-law Priti Kumari. He has identified all the accused persons in Court and proved his signature on the written report lodged with the police. His testimony is consistent with the allegations in the FIR.

16. In cross-examination, PW-3 admitted that the house of the accused persons is situated about fifteen feet away from his own house. He denied the defence suggestion that the case was lodged due to previous enmity or that no such occurrence had taken place. He also denied knowledge of any prior case lodged by the accused against him. His evidence withstands cross-examination and remains substantially unshaken on the core allegations.

Discussions, Decision and Reasons thereof

17. The appreciation of evidence constitutes the cornerstone of the criminal justice adjudicatory process. I have thoroughly evaluated and meticulously scrutinized the entire body of evidence – both ocular and documentary – placed on record. I have also considered the arguments advanced by the learned Counsel for the accused persons as well as the learned Special Public Prosecutor for the State.

18. In light of the foregoing evidentiary material, I now proceed to examine, analyse,

and appreciate the available evidence in order to render a judicious determination on the points for determination, and to assess whether the evidence on record is sufficient to establish the involvement of the accused persons in the commission of the alleged offence.

19. From the evidence discussed in above paragraphs, it is clear that PW-1 Sumant Kumar and PW-2 Chabilal Das have not supported the prosecution case. Both were declared hostile and denied having made any statement before the police regarding the alleged caste-based abuses or assault. Their testimony does not advance the prosecution version.

20. The prosecution case, therefore, rests solely upon the testimony of PW-3 Kailash Harijan, the informant. He has narrated the incident in detail and identified the accused persons in Court. His deposition is consistent with the allegations in the FIR. However, it is pertinent to note that PW-3 himself stated that several persons, namely Santosh Kumar Sah, Anand Kumar Sah, Jyoti Kumari and Pinku, had reached the place of occurrence at the relevant time. None of these alleged eyewitnesses have been examined.

21. Further, though PW-3 alleged that his son Om Prakash, his wife Phoolo Devi, and his daughter-in-law Priti Kumari were directly subjected to assault and abuse, none of them have been examined to corroborate his version. The Investigating Officer has also not been examined, thereby depriving the Court of the opportunity to assess the manner in which the investigation was conducted and whether the statements recorded during investigation support the prosecution case.

22. The defence side has brought on record certain document which proves that the accused A-3 had earlier lodged case against the informant and his family members. Earlier in the year 2018 the informant had submitted a Sanha in the police station against the informant as well.

23. In absence of corroboration from independent witnesses, family members who were allegedly assaulted, and the Investigating Officer, the testimony of PW-3 remains uncorroborated and solitary. While the evidence of a solitary witness can form the basis of conviction if found wholly reliable, in the present case the lack of supporting testimony, coupled with the admitted existence of prior enmity between the parties, casts a shadow of doubt upon the prosecution version.

24. Thus, the prosecution has failed to produce corroborative evidence to substantiate the allegations of wrongful restraint, assault, caste-based abuse, and intimidation. The hostile stance of PW-1 and PW-2, non-examination of material witnesses named by PW-3, and absence of the Investigating Officer cumulatively weaken the evidentiary foundation of the case.

25. In view of the foregoing discussion, this Court finds that the prosecution has failed to establish its case beyond reasonable doubt. The testimony of PW-3, though consistent with the FIR, remains solitary and uncorroborated. The independent witnesses PW-1 and PW-2 have turned hostile, the material witnesses named by PW-3 have not been

examined, and the Investigating Officer has also not been produced. In such circumstances, the absence of corroboration and the admitted existence of prior enmity between the parties render the prosecution version doubtful. Accordingly, this Court holds that the prosecution has not been able to prove the charges framed under Sections 341, 323, 504, 506 read with Section 34 of the IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act, beyond reasonable doubt and hence all the points for determination are found to be in negative. It is, therefore,

ORDERED

- (1) that the accused persons A-1 Prem Kumar Sah, A-2 Anand Kumar Sah, A-3 Sunita Devi and A-4 Khushboo Devi are acquitted of all charges under Sections 341, 323, 504, 506/34 of the IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.
- (2) Bail bonds of the accused persons are cancelled and they and their bailors are discharged from their respective responsibilities.
- (3) Let a copy of this judgment be sent to the District Magistrate, Bhagalpur, for information.

Dictated

Sd/-

(Amit Kumar Singh)
Special Judge
Exclusive Special Court [SC/ST Act]
Bhagalpur, Bihar
30.05.2026

CERTIFICATE

I, Amit Kumar Singh, Special Judge, Exclusive Special Court [SC/ST Act] do hereby certify that this Judgment is typed to my dictation, corrected by me and the Judgment is pronounced in open Court on this 30th day of May 2026 at Bhagalpur, Bihar. This Judgment contains 8 [eight] pages including the Appendix and all the pages bear my signature.

Sd/-

(Amit Kumar Singh)
Special Judge
Exclusive Special Court [SC/ST Act]
Bhagalpur, Bihar
30.05.2026

APPENDIX

Special Case (SC/ST) No. 176/2021
CNR No. BRBG01-006731-2021

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE
PW-1	Sumant Kumar	Hostile
PW-2	Chhabilal Das	Hostile
PW-3	Kailash Harijan	The Informant

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
NA	NIL	NA

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
NA	NIL	NA

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

A. Prosecution:

Sl. No.	Exhibit Number	Description
1.	Ext. P-1/PW-3	Signature of PW-3 on the Written Report [Typed]

B. Defence: NIL

Sl. No.	Exhibit Number	Description
1.	Ext. D-1	Certified copy of FIR of GR Case No. 4510/2021
2.	Ext. D-2	Certified copy of Informatory Petition [Sanha] No. 1263/2018
3.	Mark – A	Newspaper cutting
4.	Mark – B	Newspaper cutting
5.	Mark – C	Newspaper cutting

C. Court Exhibits: NIL

D. Material Objects: NIL

Sd/-
(Amit Kumar Singh)
Special Judge
Exclusive Special Court [SC/ST Act]
Bhagalpur, Bihar
30.05.2026

Date of Judgment	30.05.2026
Date of Reserving Judgment	19.05.2026
Uploading Date	06.06.2026
Uploaded by	Stenographer