

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IV<sup>th</sup>  
Civil Court, Bhojpur (Ara), Bihar. 802301.  
Session Trial Case No. 122 of 2000  
Arising out of Barhara P.S. Case No. 139 of 1988

1. State of Bihar

..... Prosecution

Versus

1. Manoj Singh, S/o Late Tirbeni Singh
2. Dharmnath Singh, S/o Late Babban Singh
3. Shankar Singh, S/o Late Babban Singh

{All Resident of Village: Babura, P.S. Barhara, District-Bhojpur}

..... Accused Persons.

Name of Police Station: Barhara

First Information Report No. – 139 of 1988

FIR Under Sections: 147, 148, 149, 307 and 323 of I.P.C.

Cognizance Under Sections:- 147, 148, 149, 307, 323 and 379 of I.P.C.

Committed on:

District: - Bhojpur

Charges framed under Sections:- 147/149, 148, 323/149, 307/149 and 379/149 of I.P.C.

Learned Counsel for the State

: Sri Ram Prasad Ram, Learned A.P.P.

Learned Counsel for the Accused persons : Sri Amit Kumar Sinha & ors, Ld.

Advocate(s).

**Date of Judgement:- 13<sup>th</sup> of March, 2026**

**Present: Manoranjan Kumar Jha,**  
Additional Sessions Judge - IV<sup>th</sup>,  
Bhojpur at Ara.

**J U D G M E N T**

1. In the present Session Trial, arising out of Barhara P.S. Case No. 139 of 1988, the aforementioned accused persons namely, **Manoj Singh, Dharmnath Singh, and Shankar Singh** are charged punishable under sections 147/149, 148, 323/149, 307/149 and 379/149 of I.P.C.
2. The prosecution case, in brief, as per the fardbayan of the informant Anil Kumar Singh is that on 25.10.1988 AM while the informant was sowing gram at his field, the accused persons fired upon the informant but he escaped and also assaulted the informant with rod and bhala on his neck.
3. On the basis of the fard-bayan of the informant-Anil Kumar Singh, the Police registered F.I.R. bearing number Barhara P.S. Case No. 139 of 1988 against the above named accused persons.
4. After investigation the police submitted the charge-sheet against the above named accused persons namely, **Manoj Singh, Dharmnath Singh, and Shankar Singh** and after that learned Lower Court, Ara took cognizance

against above named accused persons under sections 147, 148, 149, 307, 323 and 379 of I.P.C. After cognizance, the case of accused persons committed to the Court of Sessions and during course, instant sessions case was transferred to this court for trial and disposal.

5. On 20.09.2024, the charge has been framed against the above named accused persons namely, **Manoj Singh, Dharmnath Singh, and Shankar Singh** punishable under sections 147/149, 148, 323/149, 307/149 and 379/149 of I.P.C. The court explained accusations to the accused persons in Hindi to which they denied the charges and claimed trial. Hence, the case was put to trial and file was put up for prosecution evidence.
6. The accused persons were put on trial. Upon framing charge, the file was posted for recording prosecution evidence, oral as well as documentary. From bare perusal of case record as well as charge-sheet, it transpires that the prosecution has examined altogether **three** witnesses.
7. After closure of prosecution evidence, the statement of accused persons namely, **Manoj Singh, Dharmnath Singh, and Shankar Singh** was recorded under section 313 of Cr.P.C. on 25.02.2026 to which they denied and claimed their innocence. Thereafter, the record was fixed for defence evidence but no defence evidence was produced on behalf of the accused persons.

#### **Point for determination**

- (1) Whether the accused persons are guilty of the offence **u/s 147/149, 148, 323/149, 307/149 and 379/149 of I.P.C.?**

#### **Evidence**

8. In support of its case the prosecution has examined as many as 3 witnesses namely PW-1 Narendra Singh, PW-2 Tej Narayan Singh, and PW-3 Sudhir Singh. The prosecution had neither produced nor identified any documentary evidence in support of its case.
9. **PW- 1 is Narendra Singh** has not supported the case of the prosecution and upon prayer the witness declared hostile.  
**PW- 2 Tej Narayan Singh** deposed that occurrence took place on 25.10.1988 at about 02:00 P.M. and at that time he was at adjacent filed and gram sowing work was going on at Old Khata No. 8282 and 8283. On the sowing filed, Yogeshwar Singh, Shivaji Singh, Daroga Singh, Dharamnath Singh, Shankar Singh and Manoj Singh and others started assaulting Gudar Bin and when Anil Singh went to save, they assaulted him with rod on his neck due to which Anil Singh fainted down. Shankar Singh fired with country made pistol the hearing firing noise, they reached there then all the accused ran away after taking all seeds. The witness further deposed that when Anil Singh regained

conscious then he came to know that the accused Shankar Singh even snatched his watch and ran away.

**In his cross-examinations**, the witness specifically admitted that accused Daroga Singh, Shivji Singh and Yogeshwar Singh died. He further stated that Anil Kumar Singh is his cousin brother but he cannot tell the new number of old khata number 8282 and 8283. The witness further stated that he was at the distance of 300 Gaj from the place of occurrence but he cannot say whose filed are in between the place where he was and where the occurrence took place. The witness further deposed that the accused also beaten Halwai alongwith Anil and there was sufficient marks at the place which reflects that there occurrence took place. The witness though admitted that he reached at the spot after 5-6 minutes of occurrence but the police had not taken his statement. The witness denied the fact that because of being family member of Anil Singh, he falsely alleges before the court.

**PW- 3 Sudhir Singh** deposed that occurrence took place on 25.10.1988 at about 1.30 or 2 P.M. and at that time he was playing football then he got information that quarrel took place with Shankar and Anil at field. Further when he reached there both the party had left and cannot tell who received injury. The witness further stated that the police never took his statement.

**In his cross-examinations, the witness admitted that** Anil Singh is his nephew who is the informant of this case and he has good relation with Anil.

### **Analysis of Evidence**

10. **Learned counsel for the accused persons** submits that this is a case of virtually no evidence against the accused person inasmuch as none of the witnesses have fully supported the case of the prosecution. Further submitted that neither victim/informant has been examined nor I.O/ doctor had been examined on behalf of the prosecution and as such neither injuries were proved before the court nor the FIR was proved. Further none of the witness has supported the case of the informant. It is submitted that there was previous land dispute and as such false implication by the prosecution side cannot be ruled out. Therefore, it is submitted that the prosecution has failed to established its case beyond any shadow of doubt.
11. Ld. P.P. for the state submitted that the witnesses have supported the case and there is ample evidence on record which establishes that the accused had committed the offence.
12. The court has gone through the record. In support of its case, the prosecution has examined only 03 witnesses and failed to examine even informant of this case. It further reflects that the informant (Anil Kumar Singh), who is the **injured witness and the author of FIR** has **not been examined and as such the contents of the FIR remained unproved. In such situation**
13. **PW-1 (Narendra Singh) turned Hostile Witness as he did not support prosecution and his testimony is of no assistance.**

- 14.PW-2 (Tej Narayan Singh)** is the only witness attempting to support the prosecution. However, his evidence suffers from serious infirmities as admittedly he claims to be **300 gaj away** from the place of occurrence and he stated to reach there after **5-6 minutes of occurrence**. **Further** his description of the event is, therefore, largely inferential. Furthermore, he is a close relative of the informant, and his statement was never recorded by the police during the investigation (as per his own admission), making his court appearance a "surprising improvement." and as such his testimony is partly hearsay and rest not corroborated by any evidence which makes his presence at the spot as **highly doubtful**.
- 15.PW-3 (Sudhir Singh)** is **admittedly not** an eyewitness as he reached on the place after occurrence and had not seen the assault or injury and as such this witness appears to be a hearsay witness.
- 16.Further**, there is major Deficiencies in Prosecution Case as neither Injured Witness nor Informant was examined on his behalf. Further the prosecution even failed to prove injury which strikes at the **root of Section 307 IPC**. Further, in absence of **Medical Evidence/ Doctor no** injury report was proved and as such the nature, extent, and seriousness of injury remain **unestablished**.
- 17.Further, in absence of evidence of Investigating Officer**, neither the FIR was proved nor place of occurrence verified.
- 18.**It is settled law that "the prosecution must prove its case beyond reasonable doubt and cannot derive strength from weakness of defence."
- 19.** Considering the evidence in its entirety and bearing in mind the principles that the prosecution is duty bound to establish its case by way of oral and documentary evidence and in the case in hand where the prosecution has failed to brought on record any credible piece of evidence and as such and in absence of any reliable / corroborative evidence, the court is of the opinion that the prosecution has miserably failed to establish the case beyond shadow of any doubt.
- 20.** Consequently, the prosecution has, therefore, failed to prove the charges against accused persons namely, **Manoj Singh, Dharmnath Singh, and Shankar Singh** beyond reasonable doubt.

#### ORDER

**In view of the above, this court is of the opinion that the prosecution has failed to establish the offences u/s 147/149, 148, 323/149, 307/149 and 379/149 of I.P.C. against the accused persons namely, Manoj Singh, Dharmnath Singh, and Shankar Singh. Accordingly, the accused persons are acquitted from the charges labeled against them and set at liberty forthwith.**

**A copy of this judgment be sent to District Magistrate, Bhojpur.**

**A free copy of the judgment be furnished.**

**Given under the hand and seal of this Court.**

This judgment has been corrected, signed and pronounced by me on 13<sup>th</sup> of March, 2026 in open court.

**Dictated**

**(Sri Manoranjan Kumar Jha)  
Addl.Sessions judge-IV<sup>th</sup>  
Bhojpur at Ara.  
Dated- 13<sup>th</sup> of March, 2026**

**(Sri Manoranjan Kumar Jha)  
Addl.Sessions judge-IV<sup>th</sup>  
Bhojpur at Ara.  
Dated- 13<sup>th</sup> of March, 2026**

**Appendix**  
**Witnesses Examined**

<b>On behalf of Prosecution</b>	
PW-01	Narendra Singh
PW-02	Tej Narayan Singh
PW-03	Sudhir Singh

<b>On behalf of Defence</b>	
Nil	Nil

**Document exhibited**

<b>On behalf of prosecution</b>	
Exhibit	Nil

<b>On behalf of Defence</b>	
Nil	Nil