

IN THE COURT OF 2nd ADDITIONAL SESSIONS JUDGE, BHOJPUR AT ARA Present : Sudhakar Pandey 2nd Additional Sessions Judge, Bhojpur at Ara <u>Date of the Judgment :- 10.04.2026</u> S.Tr. / C.I.S. NO. 200/2002 Chandi P. S. Case No. 17/2001	
COMPLAINANT	State of Bihar through informant Anil Prasad Singh
REPRESENTED BY	Mr. Parashuram Chaudhary, Ld. Additional Public Prosecutor
versus	
ACCUSED PERSONS	Ashok Singh, aged about 56 years (A1)
	Chunnu Singh @ Chuna Singh, aged about 51 years (A2)
	Munna Singh, aged about 55 years (A3)
	Dinesh Singh, aged about 63 years (A4)
	Tej Narayan Singh @ Tej Pratap Singh, aged about 52 years (A5)
	Surendra Singh, aged about 62 years (A6)
	Bablu Singh, aged about 47 years (A7)
	Sudhir Singh, aged about 48 years (A8)
	Tantan Singh, aged about 40 years (A9)
REPRESENTED BY	Shiv Shankar Singh, Ld. Advocate.

Date of offence	19.04.2001
Date of F.I.R.	19.04.2001

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

Date of Charge-sheets	29.05.2001
Date of Framing of Charge	16.11.2005/20.03.2026
Date of commencement of evidence	08.08.2006
Date on which the Judgment is reserved	01.04.2026
Date of Judgment	10.04.2026
Date of sentencing Order, if any	N.A.

Rank of the Accused person	A-1
Name of the Accused Persons	Ashok Singh
Date of Arrest / Surrender	02.05.2001
Date of Release on Bail	02.05.2001
Offences charged with	u/ss 147, 148 & 307/149 IPC.
Whether Acquitted or convicted	Acquitted
Sentence Imposed	N.A.
Period of Detention Undergone during Trial for the purpose of Section 428 Cr.P.C.	N.A.

Rank of the Accused person	A-2
Name of the Accused Persons	Chunna Singh
Date of Arrest / Surrender	02.05.2001
Date of Release on Bail	02.05.2001
Offences charged with	u/ss 147, 148 & 307/149 IPC.
Whether Acquitted or convicted	Acquitted
Sentence Imposed	N.A.
Period of Detention Undergone during Trial for the purpose of Section 428 Cr.P.C.	N.A.

Rank of the Accused person	A-3
Name of the Accused Persons	Munna Singh
Date of Arrest / Surrender	02.05.2001
Date of Release on Bail	02.05.2001
Offences charged with	u/ss 147, 148 & 307/149 IPC.
Whether Acquitted or convicted	Acquitted
Sentence Imposed	N.A.
Period of Detention Undergone during Trial for the purpose of Section 428 Cr.P.C.	N.A.

Rank of the Accused person	A-4
Name of the Accused Persons	Dinesh Singh

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

Date of Arrest / Surrender	02.05.2001
Date of Release on Bail	02.05.2001
Offences charged with	u/ss 147, 148 & 307/149 IPC.
Whether Acquitted or convicted	Acquitted
Sentence Imposed	N.A.
Period of Detention Undergone during Trial for the purpose of Section 428 Cr.P.C.	N.A.

Rank of the Accused person	A-5
Name of the Accused Persons	Tej Narayan Singh
Date of Arrest / Surrender	02.05.2001
Date of Release on Bail	02.05.2001
Offences charged with	u/ss 147, 148 & 307/149 IPC.
Whether Acquitted or convicted	Acquitted
Sentence Imposed	N.A.
Period of Detention Undergone during Trial for the purpose of Section 428 Cr.P.C.	N.A.

Rank of the Accused person	A-6
Name of the Accused Persons	Surendra Singh
Date of Arrest / Surrender	02.05.2001
Date of Release on Bail	02.05.2001
Offences charged with	u/ss 147, 148 & 307/149 IPC.
Whether Acquitted or convicted	Acquitted
Sentence Imposed	N.A.
Period of Detention Undergone during Trial for the purpose of Section 428 Cr.P.C.	N.A.

Rank of the Accused person	A-7
Name of the Accused Persons	Bablu Singh
Date of Arrest / Surrender	03.05.2001
Date of Release on Bail	03.05.2001
Offences charged with	u/ss 147, 148 & 307/149 IPC.
Whether Acquitted or convicted	Acquitted
Sentence Imposed	N.A.
Period of Detention Undergone during Trial for the purpose of Section 428 Cr.P.C.	N.A.

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

Rank of the Accused person	A-8
Name of the Accused Persons	Sudhir Singh
Date of Arrest / Surrender	02.05.2001
Date of Release on Bail	02.05.2001
Offences charged with	u/ss 147, 148 & 307/149 IPC.
Whether Acquitted or convicted	Acquitted
Sentence Imposed	N.A.
Period of Detention Undergone during Trial for the purpose of Section 428 Cr.P.C.	N.A.

Rank of the Accused person	A-9
Name of the Accused Persons	Tantan Singh
Date of Arrest / Surrender	03.05.2001
Date of Release on Bail	03.05.2001
Offences charged with	u/ss 147, 148 & 307/149 IPC.
Whether Acquitted or convicted	Acquitted
Sentence Imposed	N.A.
Period of Detention Undergone during Trial for the purpose of Section 428 Cr.P.C.	N.A.

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	Shatrunjay Pratap Singh	Other Witness
P.W.2	Anil Pratap Singh	Informant
P.W.3	Bansi Singh	Other Witness
P.W.4	Ram Nirkhan Singh	Other Witness

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
N.A.	N.A.	N.A.

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
N.A.	N.A.	N.A.

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Ext.-1	Written Application for registration of FIR

B.Defence :

Sr. No.	Exhibit Number	Description
1.	N.A.	N.A.

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1.	N.A.	N.A.

D. Material objects :

Sr. No.	Material Object Number	Description
1.	N.A.	N.A.

JUDGEMENT

1. The accused are facing trial for offences u/ss 147, 148 & 307/149 IPC.
2. The prosecution case as per FIR is that the informant Anil Prasad Singh gave a written application on 19.04.2001 stating that Ashok Singh, Lal Dev Singh, Tej Narayan Singh, Chunna Singh, Munna Singh, Mantu Singh, Tantan Singh, Raj Kishore Singh, Bablu Singh, Sudhir Singh, Chhote Lal Singh, Dinesh Singh and Surendra Singh forcibly captured Bhagwatpur polling booth no. 202 under Gopalpur Panchayat and started casting votes illegally. His father Shiv Kumar Singh is also Mukhiya candidate. Raj Kishore Singh and Surendra Singh are also Mukhiya candidates. Due to this reason, these persons forcibly captured booth and started casting illegal votes. When he opposed, all the abovesaid persons started assaulting him with lathi and danda due to which he fell down

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

on the ground. His father Shiv Kumar Singh and brother Shatrunjay Pratap Singh who were sitting a little distance away, lifted him up. Ashok Singh and Tej Narayan Singh had countrymade pistols and when many persons of the village forbade them, the abovesaid persons leaving the booth fled away. Sudhir Singh and Ashok Singh tore away the ballot papers. The abovesaid persons committed this offence with intention to kill him.

3. On the basis of fard-beyan of Anil Prasad Singh, Chandi P.S. Case No. 17/2001 dated 19.04.2001 was registered against accused Ashok Singh, Lal Deo Singh, Tej Narayan Singh, Chunna Singh, Munna Singh, Mantu Singh, Tantan Singh, Raj Kishore Singh, Bablu Singh, Sudhir Singh, Chhote Lal Singh, Surendra Singh & Dinesh Singh u/ss 147, 148, 149, 323 & 307 IPC. Police submitted charge-sheet against accused Ashok Singh, Lal Deo Singh, Tej Narayan Singh, Chunna Singh, Munna Singh, Mantu Singh, Tantan Singh, Raj Kishore Singh, Bablu Singh, Sudhir Singh, Chotu Lal Singh, Surendra Singh & Dinesh Singh vide charge-sheet no. 31/2001, dated 29.05.2001, u/ss 147, 148, 149, 323 & 307 IPC. The cognizance was taken by Ld. CJM, Ara against the abovenamed accused u/ss 147, 148, 149, 323 & 307 IPC on 22.08.2001. The case record was committed to the Court of Sessions on 30.06.2002/01.07.2002. Accused Chhote Lal Singh did not appear and his record was split up vide order dated 16.09.2005.
4. The charge were framed against accused Ashok Singh, Lal Deo Singh, Tej Narayan Singh, Chunna Singh, Munna Singh, Mantu Singh, Tantan Singh, Raj Kishore Singh, Dinesh Singh, Bablu Singh, Sudhir Singh & Surendra Singh on 16.11.2005/20.03.2026 u/ss 147, 148 & 307/149 IPC. The charge were read over and explained to the accused persons in Hindi to which they pleaded not guilty and claimed to be tried. During course of trial accused Mantu Singh, Lal Deo Singh and Raj Kishore Singh died. The name of Mantu Singh was expunged from the record vide order dated 28.02.2022. The name of Lal Deo Singh was expunged from the record vide order dated 24.04.2023. The name of Raj Kishore Singh was expunged from the record vide order dated 24.04.2023. The incriminating evidence on the record against the accused were brought into their notice and their statements u/s 313 Cr.P.C. were recorded on 04.02.2026

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

in which they stated that they are innocent.

5. The issues for consideration in the instant case are whether the accused are guilty of offence charged against them and whether the prosecution has proved the charges so alleged against the accused beyond all reasonable doubt?
6. The prosecution produced oral and documentary evidence to substantiate its case. The prosecution examined five witnesses namely P.W.1-Shatrunjay Pratap Singh, P.W.2-Anil Pratap Singh, P.W.3-Bansi Singh and P.W.4-Ram Nirkhan Singh. The documentary evidence Ext.-1 is the written application for registration of FIR. The prosecution evidence was closed on 03.02.2026. The defence did not examine any witness. The defence evidence was also closed on 18.03.2026.
7. P.W.-1 Shatrunjay Pratap Singh stated in his examination-in-chief that the occurrence took place on 19.04.2021 at 1:00 O' clock during panchayat election. Accused captured the booth and started casting bogus votes. His brother Anil Pratap Singh @ Anil Prasad Singh stopped them upon which Ashok Singh, Lal Dev Singh, Tej Narayan Singh, Chunna Singh, Munna Singh, Mantu Singh, Tantan Singh, Raj Kishore Singh, Bablu Singh, Sudhir Singh, Chhote Lal Singh, Dinesh Singh and Surendra Singh assaulted with lathi. Tantan Singh assaulted with lathi on the head of Anil Pratap due to which his head got injured. Munna Singh assaulted with lathi in his left wrist. Chunna Singh assaulted on his right arm. Dinesh Singh assaulted on finger of his left hand and Mantu Singh assaulted on the right side of neck. Ashok Singh and Tej Narayan Singh were threatening with pistol that if anybody intervened, they would shoot. Anil Pratap Singh fell down and all the accused assaulted him with the lathi. His father was Mukhiya candidate. Raj Kishore Singh and Surendra Singh were also contesting. His father has died. The witness identifies the accused the present and also claims to identify the other accused. During his cross-examination by defence, he has stated that police had recorded his statement in which he stated that Vikash had assaulted on the head, Munna had assaulted on the arm and the other accused had assaulted on the other body parts. He denied the suggestion that he had not stated that Surendra Singh was assaulting with lathi and Surendra Singh and Raj Kishore

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

were present. The mar-pit was committed on booth no.-202. He was outside the campus and it was covered with soil. He was sitting outside and on halla reached there. When he reached there, his brother had already fallen and the accused had fled away. He had seen the accused running away. When he had reached, his brother was conscious and his brother had not informed him who had assaulted him at what place. His father had told who were the accused. His father had not tried to save him. His father had not sustained injury as he could not enter the place of occurrence. The accused had fled away by the time his father reached there. There were 60-70 persons from the village including Nagendra Singh and Parikasha present there. The accused had left after committing mar-pit and had not fired from the gun. There was security of home guards there but they did not intervene. Chandi Police was on patrolling and during election no police party came there. He gave a written application at 9:15 O' clock. His brother, father and other persons from village came to the police station in the jeep. It takes 45 minutes from place of occurrence to Chandi. He can not say whether there was a polling agent at booth no. 9 on behalf of his father. Subodh Singh was agent there and he had opposed but did not give in writing. 7-8 ballot papers were torn and he has no knowledge whether presiding officer had filed any case. He has no knowledge how much votes each candidates secured. Jitendra Kumar Singh had won Mukhiya election. The accused were standing in queue and his brother had opposed this. The accused were not voters at the booth where the mar-pit had taken place. He denied the suggestion that he has deposed falsely and mar-pit had taken place on booth no. 202 and he does not know that the accused were also voters at booth no. 202. He denied the suggestion that they were stopping the legitimate voters due to which occurrence took place. He further denied the suggestion that he had given the name of the of the accused due to enmity. He further denied the suggestion that they had no vote on the booth.

8. P.W.-2 Anil Pratap Singh stated in his examination-in-chief that the occurrence took place on 19.04.2001 at 01:00 O' clock. At that time, he was at Bhagwatpur Primary School where votes were being cast. He does not remember the center number. The occurrence took place at booth no. 202. There was halla-gulla

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

when he went there and he saw the booth was being captured and bogus votes were being cast. His father was mukhiya candidate. Bogus votes were being cast by Ashok Singh, Lal Dev Singh, Tej Narayan Singh, Chunna Singh, Munna Singh, Mantu Singh, Tantan Singh, Raj Kishore Singh, Bablu Singh, Sudhir Singh, Chhote Lal Singh, Dinesh Singh and Surendra Singh. When they opposed, all the accused started assaulting with lathi and Ashok Singh and Tej Narayan Singh stopped the mob with pistol. He suffered lathi below. Munna Singh assaulted on his wrist, Chunna Singh assaulted on the arm. Mantu Singh on right shoulder, Tantan Singh assaulted on head, Dinesh Singh also assaulted on the head and when he tried to stop the lathi below with his hand, the middle finger of the right hand was broken. Ashok Singh, Sudhir Singh had torn the ballots. All were assaulting him by lathi with intention to kill him. Raj Kishore Singh and Surendra Singh were also Mukhiya candidates. They had decided in the night that they would support Raj Kishore Singh and if anybody opposed they would take his life. He had filed the case in the police station. He had dictated and his father had reduced it in the writing. He accepted it correct and put his signature on it. The fard-beyan is in the handwriting of his father, he identifies it which is marked as Ext.-1. He identifies the accused present in the court and also claims to identify the remaining accused. During his cross-examination on behalf of defence, he stated that there was Raghavpur Panchayat election. He does not remember whether there were 15 or 16 candidates. His village is Bhagwanpur, his ward no. 9, booth no. 201. The ward of accused was 10 and booth no. 202. The dispute took place at booth no. 202 which belonged to the accused and they had also votes there. His family members had also votes in that booth and he had no vote in that booth. At booth no. 202 Pintu Singh, he again says Subodh Singh was polling agent. Pintu Singh and Subodh Singh are not witnesses in this case. Homeguards were deputed at every booth, police was not there. Presiding officer was also there. His father was also there. He does not remember whether his father or his polling agent had given written application to the presiding officer regarding the bogus voting. The quarrel had taken place at the booth itself. He was not the election agent or the polling agent of his father or any other candidate. He

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

does not know that he had no right to go to booth no. 202. He had gone there after booth capturing. Other candidates had opposed and also made complaints and he does not know whether other candidates would support this fact here or not. He cannot say whether any candidate would support the bogus voting. The persons who were stopped from casting their votes were Narendra Singh, Nagendra Singh, Upendra Singh, Baijnath Singh, Baban Singh and others. He voluntarily says that the bogus votes of these persons were cast. He had complained in this regard to the police. He can not say at this time that the other persons would give evidence. He does not know whether his father had made written complaint or not. He denied the suggestion that the ballots were not torn. He has not made enquiry that more votes were cast in favor of his father on that booth. Jitendra Sharma had won from there. He denied the suggestion that he had gone with his associates to capture the booth in favor of his father then police along with public had beaten him. He went to the booth and saw that the accused had slips for casting bogus votes. He can not tell their names. He was assaulted at a distance of 10 steps from the place of polling. Except Ashok Singh and Tej Narayan Singh, other accused were holding lathis. He had not become unconscious after being assaulted. He had fallen down even then they had assaulted him. All the accused were wielding 20 lathis and he can not say how many lathis were blown by each accused. He had stated in his written application that Ashok Singh and Tej Narayan Singh had stopped the mob with pistol. He had stated his fact in his further statement. When it was asked from the witness that it was not written in the statement then the statement would be wrong. The witness says that it should have been written in the statement. He has mentioned in the written application that Munna Singh assaulted on his wrist, Mantu Singh assaulted on left shoulder, Tantan Singh assaulted on head, Dinesh Singh assaulted on head and Vinod Singh assaulted due to which the finger of his right hand was broken. When it was asked from the witness that this fact is not mentioned in the written application, then he says that this fact must be there. He had stated regarding the assault in his further statement. Ashok and Tej Narayan were holding pistol. Those persons assaulted him or not, only those persons know. The occurrence of mar-pit was

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

witnessed by Shatrunjay Pratriap and his father themselves. He denied the suggestion that he has deposed falsely. He further denied the suggestion that the accused had cast bogus votes. He further denied the suggestion that he had cast bogus votes due to which police and public had assaulted him.

9. P.W.-3 Bansi Singh stated in his examination-in-chief that he does not know anything regarding the occurrence. He had not given statement to the police. The witness was declared hostile on the request of the prosecution and the prosecution was permitted to cross-examine him. During his cross-examination by prosecution, he denied the suggestion that he had stated before the police that the opponents hatched the conspiracy to commit murder of any member of the family of Shiv Kumar Singh on their opposition at the booth itself and the same was given effect by the opponents in the day at 01:00 O'clock and all of sudden there was a halla on the booth at 01:00 O'clock and he reached there and saw that Anil Singh had fallen down while accused Surendra Singh, Ashok Singh, Chunnu Singh, Munna Singh, Dinesh Singh, Tej Narayan, Bablu Singh, Sudhir Singh and Tantan Singh were assaulting him with lathi and Sudhir Singh and Tej Narayan Singh were firing the bullets from the pistol. He further denied the suggestion that he has concealed the truth. During his cross-examination by defence, he stated that he had visited the booth for casting his vote at 9:00 O' clock and had come back. Thereafter, he did not go back. He did not hear anything regarding the occurrence. He has given the statement voluntarily. He has no enmity with the informant.
10. P.W.-4 Ram Nirkhan Singh stated in his examination-in-chief that he did not give statement to the police regarding the occurrence and he did not see the occurrence. The witness was declared hostile on the request of the prosecution and the prosecution was permitted to cross-examine him. During his cross-examination by prosecution, he denied the suggestion that he had stated before the police that he was going to cast his vote on the booth on the date of occurrence and the planning was made to commit murder of any member of the family of Shiv Kumar Singh and Anil Singh is son of Shiv Kumar Singh. He denied the suggestion that he has concealed the truth in collusion with the accused. During his cross-examination he stated that he has no enmity with

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

Anil Singh. He has deposed without any pressure. He had come after casting his vote immediately. Later on, he heard that halla was made and Anil Singh had made halla on the booth.

11. Learned Additional Public Prosecutor has submitted that the accused were capturing polling booth and were also casting bogus votes during Panchayat election. The informant/victim Anil Singh (P.W.-2) opposed the bogus voting by the accused, upon which all the accused assaulted and injured informant/victim Anil Singh with intention to commit his murder. P.W.-2 Anil Singh has fully supported the prosecution case in his evidence during trial. P.W.-1 Shatrunjay Singh, brother of the victim who was also present at the place of the occurrence has fully supported the prosecution case in his evidence. There is no contradiction in the testimony of the eye witnesses. Ld. counsel further submitted that the prosecution has established its case beyond all reasonable doubt against the accused and prayed for conviction of the accused.
12. Learned counsel for the defence has submitted that the accused are innocent persons who have been falsely implicated in this case due to dirty village party politics. The entire prosecution case is totally false, frivolous and concocted. No occurrence did ever take place as has been stated by the prosecution. The prosecution has alleged that the accused were involved in capturing of polling booth and were casting bogus votes but no case was ever registered for capturing polling booth and casting bogus votes against the accused nor even any complaint was filed by anyone in this regard against the accused. P.W.-1 was not present at the alleged place of occurrence and he has not witnessed the occurrence. P.W.-1 has admitted in his cross examination that the names of the accused were told to him by his father. Ld. counsel further submitted that P.W.-2 has falsely deposed that the accused were involved in capturing of polling booth and were casting bogus votes and when opposed, all the accused assaulted and injured him as P.W.-2 himself admitted during his cross-examination that he had no vote at booth no. 202 where the alleged occurrence took place and he has further admitted that the accused had votes at that booth. The independent witnesses P.W.-3 and P.W.-4 have not supported the

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

prosecution case and turned hostile. The Investigating Officer and Medical Officer were not examined by the prosecution during trial. Ld. counsel for defence further submitted that prosecution has failed to prove its case beyond reasonable doubt and prayed for the acquittal of the accused. He has relied on Bilash Yadav & Ors v. State of Bihar (Cri. App. (SJ) No. 48 of 2004), Shambhu Sharma v. State of Bihar reported in 2024 Cri. L.J. 4172: AIROnline 2024 PAT 391, Jagannath Prasad Sinha alias Jagannath Prasad Singh v. State of Bihar & Ors. reported in 2025 Cri. L.J. 2761: AIROnline 2025 PAT 193, Chandradeep @ Chandeeep Sao & Ors v. The State of Bihar (Cr. Appeal (SJ) No. 360 of 2002) and Ajay Kumar Singh v. The State of Bihar & Ors. (CWJC No. 15240 of 2006).

13. The accused stands charged u/s 147, 148 & 307/149 IPC. The prosecution case against the accused is that they were involved in booth capturing and bogus voting in Panchayat election. The father of informant was Mukhiya candidate in the election and the informant (P.W.-2) opposed the bogus voting and booth capturing by the accused, upon which they assaulted and injured him. The prosecution examined four witnesses over a period of 20 years during trial out of seven charge sheet witnesses. The independent witnesses namely P.W.-3 Banshi Singh and P.W.-4 Ram Nir Khan Singh turned hostile and did not support the prosecution case. Only P.W.-1 Shatrunjay Singh and his brother P.W.-2 Anil Pratap Singh @ Anil Prasad Singh (informant/victim) supported the prosecution case. P.W.-1 stated that during Panchayat election, accused captured the booth and started casting bogus votes. His brother Anil Pratap Singh @ Anil Prasad Singh stopped them, upon which accused assaulted his brother due to which his head got injured. Accused assaulted his brother with lathi. Accused Ashok Singh and Tej Narayan Singh were threatening public with pistol. His father was Mukhiya candidate. The mar-pit was committed on booth no.-202. He was sitting outside and on halla reached there. When he reached there, his brother had already fallen and the accused had fled away. He had seen the accused running away. When he had reached, his brother was conscious and his brother had not informed him who had assaulted him at what place. His father had told who the accused were. The

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

accused had fled away by the time his father reached there. The accused were standing in queue and his brother had opposed this. P.W.-2 Anil Pratap Singh (informant/victim) stated that the occurrence took place at booth no. 202. There was halla-gulla, when he went there and he saw the booth was being captured and bogus votes were being cast. His father was mukhiya candidate. Bogus votes were being cast by accused persons. When he opposed, all the accused started assaulting with lathi and Ashok Singh and Tej Narayan Singh stopped the mob with pistol. He suffered lathi below. Ashok Singh and Sudhir Singh had torn the ballots. All the accused assaulted him by lathi with intention to kill him. His village is Bhagwanpur, his ward no. 9, booth no. 201. The ward of accused was 10 and booth no. 202. The dispute took place at booth no. 202 which belonged to the accused and they had also votes there. His family members had also votes in that booth and he had no vote in that booth.. He was not the election agent or the polling agent of his father or any other candidate. The occurrence of mar-pit was witnessed by Shatrunjay Pratap and his father themselves. As per prosecution case, the occurrence took place due to booth capturing and casting of bogus votes by the accused but there is nothing on the record to show that these offences were committed by the accused and no case was register for the offence booth capturing and illegal voting. P.W.-1 has admitted that he had reached at the place of occurrence after the commission of the occurrence and the names of the accused were told to him by his father which shows that P.W.-1 was not present at the place of occurrence at the time of occurrence. It is further the case of prosecution that 11 accused assaulted the victim with lathi but there is no documentary or oral evidence about the treatment given to the victim after the occurrence and even P.W.-2 himself has not stated in his evidence about the treatment given to him after the occurrence. Further despite processes being issued, the investigating officer and the Medical officer failed to attend court to depose during trial. Thus, there is no sufficient evidence on the record to prove the charge against the accused.

14. I have heard learned Additional Public Prosecutor, learned counsel for the defence and also perused the case record.

Sudhakar Panday 2nd Additional Sessions Judge, Bhojpur at Ara.
State of Bihar Vs. Ashok Singh & Ors.
Chandi P. S. Case No. 17/2001, S.Tr. No.200/2002
Date of Judgement 10.04.2026

15. In view of the above discussion and the facts and circumstances of this case and evidence on the record, I come to the conclusion that the prosecution has failed to prove its case beyond reasonable doubt against accused Ashok Singh, Chunnu Singh, Munna Singh, Dinesh Singh, Tej Narayan Singh, Surendra Singh, Bablu Singh, Sudhir Singh and Tantan Singh. Therefore, I acquit accused Ashok Singh, Chunnu Singh, Munna Singh, Dinesh Singh, Tej Narayan Singh, Surendra Singh, Bablu Singh, Sudhir Singh and Tantan Singh of charge u/ss 147, 148 & 307/149 IPC in connection with Chandi P.S. Case No.-17/2001. Accused Ashok Singh, Chunnu Singh, Munna Singh, Dinesh Singh, Tej Narayan Singh, Surendra Singh, Bablu Singh, Sudhir Singh and Tantan Singh are on bail, their bail bonds are cancelled and sureties are discharged.

Date : - 10.04.2026

Judgement pronounced in the open court.

(Dictated)

Sudhakar Pandey
 2nd Addl. Sessions Judge,
 Bhojpur At Ara
 10.04.2026

(Dictated and corrected)

Sudhakar Pandey
 2nd Addl. Sessions Judge,
 Bhojpur at Ara
 10.04.2026