

FORM A

In the Court of 1st Additional Sessions Judge, Bhojpur at Ara

Present:-

Sri Sailendra Kumar Panda , B.S.J.S.
LL.M.

1st Additional Sessions Judge.
Bhojpur at Ara.

Ara, Dated 5^h June, 2026.



S.C/ S.T. Case No.374/2017.

BRBJ010005112017

(Piro (Hasan bazar)P.S. Case No-75/16 dated 27.02.2016)

Complainant.	State of Bihar (Informant – Gita Devi)
REPRESENTED BY	Ld.Sp.P.P.Satyendra Kumar Singh.
Accused No.1.	Santosh Singh Mohato, aged about 47 yrs, S/o Harihar Singh.
Accused No.2.	Phul Kumari devi, aged about 35 yrs, W/o Santosh Kumar.
Accused No.3.	Lalsa Devi, aged about 47yrs. W/o Sanjay Singh. .
Accused No.4.	Sankar Singh, aged about 65 yrs, S/o Satya Narayan Singh.
Accused No.5.	Budhdev Singh, aged about 56 yrs, S/o Satya Narayan Singh.
Accused No.6.	Malti Kuanr, aged about 54 yrs, W/o Late Subash Singh.
Accused No.7.	Shew kumara Devi, aged about 51yrs, W/o Budhdev Singh.
Representated by	Ld.Adv.

FORM B

Date of Offence	27.02.2016.
Date of Filing	27.02.2016.
Date of Charge sheet	08.08.2018.
Date of Framing of Charges	03.08.2019.
Date of Commencement of evidence.	26.11.2019., 21.12.2019., 17.12.2020 and 22.05.2026.,
Date on which judgment is reserved	No.
Date of the Judgment	05.06.2026.
Date of Sentencing Order, if any	No.

Accused details

Rank of the Accused	Name of Accused.	Date of Arrest	Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergoing during Trial for purpose of section 428Cr.P.C.
1.	Santosh Singh Mohato,	13-4-16	13-4-16	323/504/ IPC R/W 3(i)(r)(s) of SC/ST Act.	acquitted	N.A.	N.A.
2.	Phul Kumari devi,	13-4-16	13-4-16	same	acquitted	N.A.	N.A.
3.	Lalsa Devi.	13-4-16	13-4-16	same	acquitted	N.A.	N.A.
4.	Sankar Singh,	13-4-16	13-4-16	same	acquitted	N.A.	N.A.
5.	Budhdev Singh,	13-4-16	13-4-16	same	acquitted	N.A.	N.A.
6.	Malti Kuanr,	13-4-16	13-4-16	same	acquitted	N.A.	N.A.
7.	Shew kumara Devi,	13-4-16	13-4-16	same	acquitted	N.A.	N.A.

PROSECUTION WITNESSES :

RANK	NAME	NATURE OF EVIDENCE
P.W.1	Antu Kumari @ Puspa Kumari	Occurrence witness.
P.W.2	Puja Kumari.	Occurrence witness.(daughter of the informant)
P.W.3	Gita Devi.	Informant/occurrence witness.
P.W.4.	Sonajhari Devi	Occurrence witness. (Gotni of the informant)
P.W.5.	Lakhmina Devi.	Occurrence witness.(Niece of the informant)

B. DEFENCE WITNESSES : No

LIST OF EXHIBITS

Prosecution :-

Sr.No	Exhibit Number	Description
1.	Ext.1	Signature of the informant in the FIR by P.W.3

Defence :- No.

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JUDGMENT

1. The accused persons namely (1) Santosh Singh Mohato, (2) Phul Kumari devi, (3) Lalsa Devi,(4)Sankar Singh, (5) Budhdev Singh, (6) Malti Kuanr, and (7) Shew kumara Devi, stood charged to face for trial of offence punishable of offence U/s.323/504/ IPC R/W 3(i)(r)(s) of SC/ST(POA) Act.

2. The case of the prosecution started on the written application of **Gita Devi**. On receipt of the aforesaid written application/petition, a case was registered i.e. Piro(Hasan bazar) P.S.Case No-75/16 dated 27.02.2016. Police caused investigation into the same. Police(I.O.) visited to the spot, recorded the statements of the informant and witnesses. After completing investigation, police submitted charge sheet i.e. vide C.S.No- 69/18 dated 08.08.2018 of offence U/s.147/149/341//323/324/325/379/504/506/34 I.PCode and R/W U/s.3(i)(x)(s) of SC/ST (POA) Act against the eight accused persons namely (1) **Santosh Singh Mohato**, (2) **Phul Kumari devi**, (3) **Lalsa Devi**,(4)**Sankar Singh**, (5) **Budhdev Singh**, (6) **Malti Kuanr**, (7) **Shew kumara Devi** and (8) **Sakuntala Devi**, finding the fact as true.

The learned Court took cognizance of offences. Thereafter provided relevant copies i.e. police papers to the accused persons required as per statutory provision.

3. Upon consideration of the materials on record as well as relevant documents and after hearing the submissions of the learned counsel of the party on the point of consideration of charge, finding the ground for presuming that the accused persons namely (1) **Santosh Singh Mohato**, (2) **Phul Kumari devi**, (3) **Lalsa Devi**,(4)**Sankar Singh**, (5) **Budhdev Singh**, (6) **Malti Kuanr**, (7) **Shew kumara Devi** and (8) **Sakuntala Devi**, have committed offences punishable **U/s.323/504/ IPC R/W 3(i)(r)(s) of SC/ST(POA) Act**, framed formal charge against them. Accusation of the said charges read over and explained to the accused persons, to which, all pleaded not guilty and claimed to be tried.

During trial, one accused person namely **Sakuntala Devi** died. Hence, her name deleted in the case record vide order dated 04.06.2026. Now 7 accused persons have been facing the trial.

4. During the course of trial, five (5) witnesses including informant were examined and cross-examined. Prosecution exhibited only signature of the informant.

On the other hand to negate the prosecution case, the defence neither examined any witness nor exhibited any documents to prove his innocence in the aforesaid case.

5. The accused persons have in their statements U/s.313 Cr.P.C. only denial the occurrence and pleaded innocence.

6. The point for consideration before this Court is whether the prosecution has been able to prove the charges leveled against the accused persons beyond all reasonable doubts ?

7. **P.W.1.Antu Kumari** stated in her examination-in-chief that the occurrence took place on date 27 in the year-2016. Ful Kumari Devi used slang terms. **Dipak threw and assaulted her**. Her younger sister Puja Kumari was injured. **Lakhmina Devi was assaulted by Dipak**. Police have recorded his statements. The occurrence took place due to old enmity.

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During cross-examination of defence, she stated that no co-villager were present at the place of occurrence. Accused persons assaulted him for two hours. Police went to the place of occurrence. She denied that no such occurrence took place.

8. **P.W.2.Puja Kumari** stated in her examination-in-chief that Her mother namely Gita Devi is the informant in this case. She was in her house on dated 27.02.2016 at about 1.30 P.M. There was a quarrel in between accused Dipak and her mother. Dipak insulted by naming their cast and assaulted. Accused persons namely Dipak, Budhdev, Rupak, Santosh, Sankar, Lalsa Devi, Sakuntala Devi, Phul Kumari and Suryabanti all assaulted. Dipak assaulted her by means of danda and she fell down on the ground. All accused persons assaulted to her sister and aunt. She disclosed all the facts to the police. She identified all the accused persons.

During cross-examination of defence, she stated that there was prior enmity with the accused persons. She stated before police that she was in her house at the time of occurrence. She denied that there was no such occurrence took place.

9. **P.W.3.Gita Devi** stated in her examination-in-chief that she is the informant in this case. She instituted this case on dated 27.02.2016. Malti Devi, Sakuntala Devi and all accused persons assaulted to her daughter. She was near the door of her house at the time of occurrence. Dipak Mohato came and assaulted her daughter and abused her by saying musharin. Accused persons abused and assaulted. All accused persons threatened to kill them if not withdraw the case. All injured persons were treated at Piro hospital. She identified her signature on the FIR. The same marked as Ext.1. She disclosed all the facts to the police. She identified all the accused persons.

During cross-examination of defence, she stated that all the accused persons resided in one house. There was prior enmity and litigation between the parties. 3 Nos of case have been pending in between them. Land dispute was in between them. First accused persons used slang terms and there after assaulted. At the time of occurrence no co-villager were in the place of occurrence. She denied that she falsely deposed before this Court.

10. **P.W.4. Sonajhari Devi** stated in her examination-in-chief that her gotni is the informant in this case. She has no knowledge about the occurrence. She was declared as hostile by the prosecution. She denied that she gave statements to the police. She denied that she suppressed the true facts on the collusion with the police and falsely deposed before this Court.

During cross-examination of defence, she stated that she deposed voluntarily before this Court. She identified the accused persons because accused persons are his co-villagers.

11. **P.W.5.Lakhmina Devi** stated in her examination-in-chief that the informant is her aunt. She has no knowledge about the occurrence. She identified the accused persons. She was declared as hostile by the prosecution. She denied that she gave statements to the police. She denied that she suppressed the true facts on the collusion with the police and falsely deposed before this Court.

During cross-examination of defence, she stated that police have not recorded her statements. She deposed voluntarily before this Court. She identified the accused persons because accused persons are his co-villagers.

12. This being the state of evidence of the prosecution witnesses, it is now required to analysis the entire evidence on record. In this case the evidence of the informant is very important. She is the author and injured in this case. Hence, I hereby discuss/analysis below, the evidence of informant at first, then other witnesses one by one as stated before this Court to reach the conclusion of this case.

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13. P.W.3 is the informant. Her evidence is very important. She stated before this Court during evidence that she instituted this case on dated 27.02.2016. Malti Devi, Sakuntala Devi and all accused persons assaulted to her daughter. She was near the door of her house at the time of occurrence. Dipak Mohato came and assaulted her daughter and abused her by saying musharin. Accused persons abused and assaulted. All accused persons threatened to kill them if not withdraw the case. This witness admitted during cross-examination that there was prior enmity and litigation between the parties. 3 Nos of case have been pending in between them. Land dispute was in between them. At the time of occurrence no co-villager were in the place of occurrence.

This witness disclosed that Dipak Mohato assaulted and abused. In this case Dipak Mohato is not the accused person. Dipak has not been facing trial. Further the evidence of the witness as stated about marpit as omnibus, not specifically disclosed name of any accused persons. Even failed to disclosed mode and manner of the occurrence. Further she is admitted that there was prior enmity and land dispute in between them. Hence, the evidence of this witness is not cogent. Merely saying all the accused persons do not prove the case of the prosecution.

Similarly P.W.1 stated that Dipak threw and assaulted her. Her younger sister Puja Kumar was injured. Lakhmina Devi was assaulted by Dipak. During cross-examination, she stated that no co-villager were present at the place of occurrence. P.W.2 stated that she was in her house on dated 27.02.2016 at about 1.30 P.M. There was a quarrel in between accused Dipak and her mother. Dipak insulted by naming their cast and assaulted. Accused persons namely Dipak, Budhdev, Rupak, Santosh, Sankar, Lalsa Devi, Sakuntala Devi, Phul Kumari and Suryabanti all assaulted. Dipak assaulted her by means of danda and she fell down on the ground. All accused persons assaulted to her sister and aunt. She further stated that there was prior enmity with the accused persons. She stated before police that she was in her house at the time of occurrence.

Both the witnesses also stated the name of accused Dipak. The fact is that Dipak has not been facing trial in this case. Similarly P.W.2 was inside of her house at the time of occurrence. Both witnesses did not specifically disclosed the name of the accused persons. They did not disclosed role of each accused persons. Merely saying all accused persons assaulted is not sufficient to prove this case. Further all witnesses admitted that there was land dispute in between the parties. Further all witnesses disclosed that no co-villagers saw the occurrence create doubt.

14. Both the witness i.e.P.W.4 and P.W.5 did not support the case of the prosecution. Both P.W.4 and P.W.5 are own relative and belongs to one family of the informant. P.W.4 and P.W.5 stated that they have no knowledge about the occurrence. Police have not recorded their statements. Both also declared as hostile. Here, being relative turned as hostile doubt to the case of the prosecution.

15. From perusal of the evidence of the witnesses, it is clear that no witnesses disclosed the name of the accused persons specifically, their role, mode, manner etc. No co-villager saw the occurrence of marpit/assault committed by the accused persons create doubt. Further Dipak has not been facing trial in this case. Both the parties have land dispute and enmity. Hence, the evidence of these witnesses did not support the case of the prosecution.

16. It is admitted that once a charge is framed, the onus is heavy on the prosecution to prove its case beyond all reasonable doubt and any act or deficiency on the part of the accused cannot be banked to wriggle out from discharge of the burden or the onus as the case may be.

17. It is pertinent to mention that prosecution case cannot stand basing any imaginary story. It should passed through the touch stone of credibility. In this case there is no any single cogent evidence found against the accused persons. No

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witnesses i.e.co-villagers saw the occurrence of marpit committed by the accused persons. Land dispute and enmity were in between the parties. In this situation fabrication of false case cannot be ruled out. Further there is neither any direct nor any circumstantial evidence available against any of the accused persons. In this way prosecution failed to prove the case structure of the criminal justice system is raised.

18. Thus, on a conspectus of the evidence on record, this Court comes to the conclusion that ,prosecution absolutely failed to prove its case against the accused persons namely (1) Santosh Singh Mohato, (2) Phul Kumari devi, (3) Lalsa Devi,(4)Sankar Singh, (5) Budhdev Singh, (6) Malti Kuanr, and (7) Shew kumara Devi of offence U/s.323/504/ IPC R/W 3(i)(r)(s) of SC/ST(POA) Act, beyond reasonable doubt. For which they all, namely (1) Santosh Singh Mohato, (2) Phul Kumari devi, (3) Lalsa Devi,(4)Sankar Singh, (5) Budhdev Singh, (6) Malti Kuanr, and (7) Shew kumara Devi found not guilty of offence U/s.323/504/ IPC R/W 3(i)(r)(s) of SC/ST(POA) Act. So they are acquitted U/s.235(1) Cr.P.C.

The acquitted persons are on bail during trial. They be set at liberty forthwith.

The judgment is pronounced in the open Court today on this 5th the day of June, 2026 given under my hand and seal of this Court.

Typed & corrected by me.

Sailendra Kumar Panda

1st Addl.Sessions Judge,
Bhojpur at Ara.

5.6.2026

Sailendra Kumar Panda
5.6.2026
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