

State Vs Rajeshwar Rai.

FORM A

	
IN THE COURT OF SESSIONS JUDGE Bhojpur at Ara	
BRBJ010007702016	
Present PURUSHOTTAM MISHRA, Principal District & Sessions Judge, Bhojpur [Dated : 08-05-2026]	
[S.Tr. Case No. 116/2016] (Arising out of FIR No. 33/2014 P.S. Piro)	
PROSECUTION	State of Bihar
LD. COUNSEL FOR THE STATE	Sh. Rana Pratap Singh, Ld. P.P.
ACCUSED PERSON	Rajeshwar Rai , aged about 55 years S/o Radha Krishna Rai @ Radha Ram. R/o – Village - Jamuaon, P.S.-Piro, District- Bhojpur.
LD. COUNSEL FOR THE ACCUSED PERSON	Sri Rajeev Ranjan Verma, Ld. Advocate

FORM B

Date of Offence	05-02-2014
Date of FIR	07-02-2024
Date of Charge Sheet	22-05-2015
Date of Framing of Charges	16-06-2016
Date on which judgment is reserved	02-05-2026
Date of the Judgment	08-05-2026
Date of the Sentencing Order, if any	-----

ACCUSED DETAILS

Rank of the Accused	Name of Accused	Date of Arrest / Surrender	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.
1	Rajeshwar Rai	17.05.2015	28.05.2015	Section 307 of IPC	Acquitted	---	---

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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)
PW1	Asgar Ali	1 st Investigating Officer
PW2	Dr. Rajeev Kumar	Medical Officer
PW3	Vijay Rai @ Rohit Kumar Rai	(Brother of informant) / Hostile witness
PW4	Ashok Rai	Hostile witness
PW5	Ajay Rai @ Ajay Kumar Rai	Informant-cum- Injured / Supported the case of prosecution.

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	-----	-----
DW2	-----	-----

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	-----	-----
CW2	-----	-----

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No	Exhibit Number	Description
1	Ext. 1	Signature of Arun Kumar on the written report.
2	Ext. 2	Requisition for Injury report of Ajay Kumar Rai.

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3	Ext. 2/1	Requisition for Injury report of Vijay Rai.
4	Ext. 3	Injury Report of Ajay Kumar Rai.
5	Ext. 3/A	Injury Report of Vijay Rai.
6	Ext. P-4 / PW 3	Written Report.

B. Defence:

Sr. No	Exhibit Number	Description
1	----	-----
2	----	-----

C. Court Exhibits

Sr. No	Exhibit Number	Description
1	-----	-----
2	-----	-----

D. Material Objects:

Sr. No	Material Object Number	Description
1	----	-----
2	----	-----

Judgment

1. On the written application of Ajay Kumar Rai, FIR No. 33/2014 dated 07.02.2014 P.S Piro lodged under Sections 341, 323, 324, 325 & Sec. 307 of IPC.

PROSECUTION CASE :

2. Both injured Ajay Rai @ Ajay Kumar Rai and Vijay Rai @ Rohit Kumar Rai are real brother and on 05.02.2014 sole accused Rajeshwar Rai around 1:30 P.M. near his own house assaulted firstly Ajay Rai @ Ajay Kumar Rai then on 07.02.2014 around 12:00 P.M. assaulted Vijay Rai @ Rohit Kumar Rai (who is younger brother of

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informant) and caused several injuries with sharp weapon and on that basis F.I.R. No. 33/2014 was lodged under Section 341, 323, 324, 325, 307 of I.P.C.

3. In the course of investigation statement of witnesses were recorded, accused Rajeshwar Rai was arrested and enlarge on bail, injury report was collected and after completion of investigation charge-sheet no. 132 of 2015 dated 22.05.2015 submitted under Section 341, 323, 324, 325 and 307 of I.P.C. against sole accused Rajeshwar Rai.

COGNIZANCE & CHARGE :

4. vide order dated 14.07.2015 cognizance taken under sections 341, 323, 324, 325, 307 of IPC against accused Rajeshwar Rai.
5. After complying with Section 207 of Cr.P.C, Ld. Magistrate found this case was exclusively triable by Court of Sessions, hence, committed the case vide order dated 11.03.2016 to Ld. Court of Session.
6. Ld. Sessions Judge vide order dated 16.06.2016 settled charge under Sections 307 of IPC which he pleaded not guilty and claimed trial.

PROSECUTION EVIDENCE :

7. In order to prove its case prosecution has examined as many as 5 witnesses, namely, P.W-1 Asgar Ali (Investigating Officer), PW-2 Dr. Rajeev Kumar (Medical witness), PW-3 Vijay Rai @ Rohit Kumar Rai and PW-5 Ajay Rai @ Ajay Kumar Rai are injured witnesses but PW-3 Vijay Rai @ Rohit Kumar Rai declared hostile and not supported the

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case of prosecution. PW-4 also declared hostile for not supporting the case of the prosecution. Since PW-5 is informant of this case hence I would like to discuss firstly PW-5.

i) P.W-5 Ajay Rai @ Ajay Kumar Rai, deposed that he is informant of this case and alleged occurrence took place at the time of immersion procession of goddess Saraswati, when PW-5 along with other persons reached near the house of accused then accused person assaulted and caused head injury to PW-5 and after receiving injury, PW-5 fell down in front of the house of accused Rajeshwar Rai and several villagers present there brought firstly to hospital at Piro then finally brought to Ara in a private hospital and PW-5 deposed that this occurrence took place due to contractual farming on the basis of annual monetary consideration. PW-5 also deposed that regarding this occurrence F.I.R. lodged on 07.02.2014 by written complaint submitted before S.H.O., of P.S.-Piro. Writing on written complaint and signature identified by PW-5 and written complaint was exhibited as exhibit-P4/PW-3 and PW-5 also identified accused Rajeshwar Rai as an assailant.

During his cross-examination by Ld. P.P, PW-5 stated that minor injury caused on the head of PW-5 and PW-5 further stated that dispute between accused person and PW-5 has been amicably settled.

ii) PW-3 Vijay Rai @ Rohit Kumar Rai son of Baijanth Rai is real brother of PW-5 and deposed that around 1:30 P.M. on 05.02.2014

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due to previous land dispute heated exchange of argument took place between Rajeshwar Rai and my family members. It is also deposed by PW-3 that somebody hit me with bamboo stick but PW-3 failed to identify assailant. PW-3 also deposed that informant Ajay Rai is my real brother and my brother / PW-5 lodged written complaint in Piro P.S. on which I put my signature as a witness and PW-5 identified his signature on written complaint and same was exhibited as exhibit-P4/PW-3 and PW-3 stated that first treatment received by PW-3 at Primary Health Centre, Piro and PW-3 further deposed that in the course of investigation statement of PW-3 was not recorded by Investigation Officer.

On the request of prosecution PW-3 was declared hostile and denied to the suggestion that PW-3 had stated to the Investigating Officer in the course of investigation that on 05.02.2014 in the course of procession or immersion of goddess Saraswati, accused Rajeshwar Rai assaulted PW-5 with the intention to murder and on 07.02.2014 at 12:00 P.M. near house of Narad Pathak accused Rajeshwar Rai also assaulted PW-3 with knife and caused finger injury. PW-3 identified Rajeshwar Rai as a co-villager and PW-3 also denied to the suggestion that PW-3 is deposing falsely under the influence of accused person with intention to save accused.

During cross-examination by Ld. Defence Counsel PW-3 categorically stated that, I failed to identify assailant who caused injury to PW-3 and his brother PW-5. PW-3 also failed to disclose

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Khata and khesra number of disputed piece of land and finally stated that PW-3 is deposing voluntarily without any fear and favour.

iii) PW-4- Ashok Rai - PW-4 is co-villager and eye-witness of this case as per persecution version but in the course of prosecution evidence turned hostile and disowned the prosecution case in totality and declared hostile on the prayer of prosecution.

During cross-examination of Ld. P.P. stated that, it is wrong to suggest that before police statement of PW-4 was recorded and in that statement PW-4 stated that Rajeshwar Rai attacked with sharp edged weapon made of iron on the head of Ajay Rai and on 07.02.2014 accused Rajeshwar Rai also attacked Vijay Rai with knife in front of the house of Narad Pathak and PW-4 not identified accused Rajeshwar Rai as an assailant but as a co-villager. PW-4 also denied to the suggestion that PW-4 is deposing voluntarily under the influence of accused persons.

During cross-examination by Ld. Defence Counsel PW-4 also stated that PW-4 deposing voluntarily without any fear and favour.

iv) PW-2 Dr. Rajeev Kumar - He examined Ajay Rai and Vijay Rai on 07.02.2014 at Primary Health Centre, Piro and found following injuries on Ajay Kumar Rai :

- i) Lacerated wound right frontal region of scalp 5"x1/4"x1/10".
- ii) Lacerated wound left parietal region of scalp 1/2"x1/4"x1/10".
- iii) Lacerated wound left parietal region near second injury 1"x1/4"x1/10".

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- iv) Swelling left parietal region of scalp 3"x2".
- v) Lacerated wound above right eyebrow 1/2"x1/4"x1/10".
- vi) Lacerated wound right mandibular region 1/2"x1/4"x1/10".
- vii) Lacerated wound right temporal region 1/2"x1/4"x1/10".
- viii) An abrasion left shoulder joint 2"x1/4".
- ix) An abrasion left lumber region 1"x1/4".
- x) An abrasion left lumber region below the ninth injury 1"x1/4".
- xi) An abrasion left extensor surface of forearm 1"x1/4".

Mark of Identification : Old scar mark left chin.

Age of Injury : within 72 hours.

Opinion : Injury no. i, ii, iii, v, vi, vii, viii, ix, x & xi are simple in nature and caused by hard and blunt substance. For injury no. iv patient advice for x-ray of skull and CT Scan of brain. So opinion for that reserved till report comes.

This injury report is written by me and bears my signature as Ext. 3.

PW-2 found following injuries on Vijay Rai :

- i) An abrasion left ring finger at distal phalanx 1"x1/4".
- ii) An abrasion left middle finger at distal phalanx 1"x1/4".
- iii) An abrasion left middle finger distal phalanx over palmar surface 1"x1/4".
- iv) An abrasion right palmar surface between come and index finger 1"x1/4".
- v) An abrasion right shoulder joint 1/2"x1/4".

Mark of identification : A mole right clavicular region.

Age of Injury : within 4 & 1/2 hours.

Color of Injury : red.

Opinion : Injury no. i, ii, iii, iv & v are simple in nature and caused by hard and blunt substance.

This injury report is written by me and bears my signature as Ext. 3/a.



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PW-2 further deposed that he examined the injured persons on police requisition.

During cross-examination PW-2 stated that application of police for examination of injured Ajay Rai and Vijay Rai received by PW-2 on 07.02.2013 but examined them on 07.02.2014 and also stated that injury caused to both injured persons can be caused by falling on surface.

v) PW-1 Asgar Ali (Investigating Officer)- PW 1 deposed that on 07.04.2014 he was posted in Piro P.S. and on the basis of written complaint of PW-5/Ajay Rai Vide Piro P.S. Case No. 33/2014 was registered by SHO, Piro, Arun Kumar and PW-1 identify signature of SHO on formal F.I.R. and same as exhibited as exhibit-1. After that statement was recorded by Investigating Officer and statement of other witnesses were also recorded by Investigating Officer and described the place of occurrence and deposed that place of occurrence is street and there is fallow land adjacent to the street on which accused persons assaulted PW-3 and PW-5. PW-1 also identified his signature on application for examination of injured persons and same was exhibited as exhibit-2 and 2/1.

During cross-examination of PW-1 stated that informant in the course of his statement submitted that all dispute between informant and accused persons has been amicably settled by both of them.

8. After completion of prosecution evidence, statement of accused was recorded u/s 313 of Cr. P.C. where in all incriminating evidence was

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put to accused, which he denied. The accused stated that he is innocent, and has been falsely implicated in this case. However, the accused person had not examined any witness in his defence.

FINDING

9. I have heard the rival submissions of Ld. P.P. and Ld. Defence Counsel perused evidence as well as documents relied upon by the prosecution that includes following exhibits :

Exhibit Number	Description
Ext. 1	Signature of Arun Kumar on the written report.
Ext. 2	Requisition for Injury report of Ajay Kumar Rai.
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Ext. 3/A	Injury Report of Vijay Rai.
Ext. P-4 / PW 3	Written Report.

10. It is clear from perusal of evidences on record that PW-3 Vijay Rai and PW-5 Ajay Rai are real brother and accused Rajeshwar Rai is the co-villager of PW-3 and PW-5 and due to land dispute arising out of non-payment of consideration money for contractual farming and as per allegation PW-5 was assaulted on 05.02.2014 during procession for immersion of goddess Saraswati and PW-3 was assaulted on 07.02.2014 but as per medical evidence of PW-2 both injured persons namely Ajay Rai/PW-5 and Vijay @ Rohit Kumar Rai / PW-3 examined by PW-2 at Piro Primary Health Center on 07.02.2014 though on the person of PW-5 as many as eleven injuries were found and it is highly unlikely that a person who received eleven injuries on

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05.02.2014 will be examined along with his brother/PW-3, after lapse of two days and it cast a cloud of doubt on case of prosecution. It is also matter of record that PW-3 not supported the prosecution version that accused Rajeshwar Rai assaulted PW-3 with knife because PW-3 in his examination-in-chief as well as cross-examination stated that since PW-3 was attacked from back, hence, failed to identify assailant and not supporting the case of prosecution, PW-3 was also declared hostile. Investigating Officer/PW-1, PW-3 and PW-5 (injured witness)/informant consistently stated that since land dispute between accused person and PW-3 and PW-5 has been amicably settled, hence, they are not interested in pursuing the case. In this case there are two dates of occurrence firstly on 05.02.2014 in front of the house of accused Rajeshwar Rai, in the course of procession for immersion of goddess Saraswati, accused assaulted informant with sharp edged weapon made of iron and PW-3 was assaulted on 07.02.2014 near the house of Narad Pathak and for the two separate assault on two different dates and two different places of occurrence, one F.I.R. was lodged. It also impeach the credibility of prosecution case that injured witnesses PW-3 and eye-witness PW-4 turned hostile and stated that accused person is not an assailant and PW-4 stated that he is not aware about alleged occurrence. Considering the fact that one injured/PW-3 took u-turn and not identified accused as an assailant and another injured who received as per medical evidence as many as eleven injuries on 05.02.2014 but examined on 07.02.2014 along



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with his brother/PW-3. Considering the fact dispute is purely personal and civil in nature and PW-3 and PW-5 amicably settled their dispute with accused persons and eye-witness PW-4 and injured PW-3 took u-turn and not supported the case of the prosecution, hence, benefit of doubt will go in favour of accused.

11. It is trite law and the time-tested rule that acquittal of a guilty person should be preferred to conviction of an innocent person. **In Rang Bahadur Singh v. State of U.P., (2000) 3 SCC 454 : Hon'ble Supreme Court please to observe that :**

"22. The amount of doubt which the Court would entertain regarding the complicity of the appellants in this case is much more than the level of reasonable doubt. We are aware that acquitting the accused in a case of this nature is not a matter of satisfaction for all concerned. **At the same time we remind ourselves of the time-tested rule that acquittal of a guilty person should be preferred to conviction of an innocent person. Unless the prosecution establishes the guilt of the accused beyond reasonable doubt a conviction cannot be passed on the accused. A criminal court cannot afford to deprive liberty of the appellants, lifelong liberty, without having at least a reasonable level of certainty that the appellants were the real culprits.**" It is settled law that the suspicion, however strong it may be, cannot take the place of proof beyond reasonable doubt.

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12. Prosecution has failed to established the charge for the offence under section 307 of IPC leveled against the accused person. Accused person cannot be convicted on the ground of suspicion only, no matter how strong it is. An accused is presumed to be innocent unless proved guilty beyond a reasonable doubt.

13. Considering the facts and circumstances discussed above there is no evidence on record to connect the accused person with the charges settled against him. Hence benefit of doubt is given to the accused person and accused person namely Rajeshwar Rai acquitted of all charges. His sureties are also discharged from the liabilities of his respective bail bonds.

Copy of this judgment be forwarded to District Magistrate, Bhojpur at Ara and record be consigned to record room, as per rules.

Announced in open Court, on this 08th May, 2026.

Dictated and ordered by-


(Purushottam Mishra)
Sessions Judge
08.05.2026.