

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 10th March, 2026.



BRBJ010021412021

S.C/ S.T. Case No.40/2021.
(Sandesh P.S.Case No.327/20 dated 08.12.2020)

Complainant.	State of Bihar (Informant –Gayatri Kuanr)
REPRESENTED BY	Ld.Sp.P.P.Satyendra Kumar Singh.
Accused	Abhishek Kumar Sharma , aged about 28yrs, S/o Late Hari Kishore Sharma. Resident of village- Phulari , P.S.- Sandesh , District- Bhojpur.
REPRESENTED BY	Ld.Adv.

FORM B

Date of Offence	07.12.2020.
Date of FIR	08.12.2020.
Date of Charge sheet	30.12.2020.
Date of Framing of Charges	08.02.2022.
Date of commencement of evidence.	30.10.2025., 29.01.2026. and 19.02.2026.
Date on which judgment is reserved	No.
Date of the Judgment	10.03.2026.
Date of Sentencing Order, if any	N.A.

Accused details

Rank of the Accused	Name of Accused.	Date of surrender.	Date of 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.	Abhishek Kumar Sharma	11.12.2020	11.12.2020	447/448/354/341/323/504/506 IPC R/W 3(i)(r)(s)/3(2) (va) of (SC/ST (Prevention of Atrocities) Act.	acquitted	N.A.	N.A.

PROSECUTION WITNESSES :

RANK	NAME	NATURE OF EVIDENCE
P.W.1	Gayatri Kuanr.	Informant/occurrence witness.
P.W.2	Priyanka Kumari.	Occurrence witness.
P.W.3	Shivnath Ram @	Occurrence witness.

B. DEFENCE WITNESSES : No

LIST OF EXHIBITS

Prosecution :

Sr.No	Exhibit Number	Description
1.	Nil	Nil

Defence :- No.

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JUDGMENT

1. The accused person namely Abhishek Kumar Sharma S/o Hari Kishore Sharma stood charged to face for trial of offence punishable U/s. 447/448/354/341/323/504/506 IPC R/W 3(i)(r)(s)/3(2)(va) of SC & ST (Prevention of Atrocities) Act.

2. The prosecution story in short according to the informant namely Gayatri Kuanr that, on dated 07.12.2020 at about 1.30 A.M. she was sleeping with her two daughters namely Priyanka Kumari and Rambha Kumari. Abhishek Kumar knocked the door and trespassed her house. Abhishek Kumar outraged modesty of her daughter. On protest, he showed the pistol to their head and assaulted them. He abused them naming their cast and threatened them for dire consequences.

3. On receipt of the aforesaid written report, a police case was registered i.e. Sandesh P.S.Case No- 327/20 dated 08.12.2020. of offence U/s.447/448/506/341/323/511/34 I.P.Code against Abhishek Kumar Sharma. 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-389/20 dated 30.12.2020 of offence U/s. 447/448/354B/341/323//504/506 IPC R/W U/s.3(1)(r)(s) of SC & ST (Prevention of Atrocities) Act against the same accused person finding the fact is true.

4. The learned Court after furnishing relevant copies to the accused person required as per statutory provision, took cognizance of offence.

5. Upon consideration of the materials on record as well as relevant documents and after hearing the submissions of the learned counsel of the parties on the point of consideration of charge, finding the ground for presuming that the accused person namely Abhishek Kumar Sharma committed offences U/s. 447/448/354/341/323/504/506 IPC R/W 3(i)(r)(s)/3(2)(va) of SC & ST (Prevention of Atrocities) Act, framed formal charge against him. Accusation of the said charges read over and explained to the accused person, to which, he pleaded not guilty and claimed to be tried.

6. During the course of trial, 3 (three) witnesses were examined and cross-examined. Prosecution did not exhibit any single document.

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.

7. The accused person has in their statements U/s.313 Cr.P.C. only denial the occurrence and pleaded innocence.

8. 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 ?

9. P.W.1. Gayatri Kuanr (informant) stated in his examination-in-chief that she is the informant in this case. The occurrence took place prior to 5-6years. She instituted this case against Abhishek Kumar. Abhishek Kumar entered to her house, night at 1.00A.M. He outraged modesty to both her daughters namely Priyanka Kumari and Rambha Kumari. She got simple injury. On the instruction of Mahalla people she instituted this case. She

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जिला एवं सत्र न्यायाधीश
अपर जिला एवं सत्र न्यायाधीश
बोकारो बजार, बिहार

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belongs to the member of schedule cast community. She did not identify Abhishek Kumar. Her thumb impression was on her written report.

During cross-examination of defence, she stated that the occurrence took place at 1.00AM night. She failed to recognize the person who entered her house due to darkness of night. She failed to identify who outraged to her daughters. On the instruction of Mahalla people she mentioned the name of Abhishek Kumar only. She voluntarily deposed before this Court. No occurrence was taken place. Police have not recorded her statements.

10. P.W.2. Priyanka Kumari stated in her examination-in-chief that her mother is the informant in this case. The occurrence took place on dated 07.12.2020. Abhishek entered her house, so hulla-gulla occurred. Police recorded her statements.

During cross-examination of defence, she stated that the hulla-gulla happened at about 11.00PM night. Due to darkness, she did not identify the accused person. She deposed voluntarily. Accused person has not outraged modesty to her mother and sister.

11. P.W.3. Sibnath Ram stated in his examination-in-chief that he has no knowledge about the occurrence. He did not identify the accused person. Police have not recorded his statements. He was declared hostile by the prosecution. He denied that he stated the facts to the police. He suppressed the true facts on the collusion with the accused person.

During cross-examination of defence, he stated he deposed voluntarily.

12. (i) This being the state of evidence of the prosecution witnesses, it is now required to analysis the entire evidence on record. In this case P.W.1 is the informant. She is one of the victim in this case. Her evidence is important one as she is the author of the case. Hence, I hereby discuss/analysis below, the FIR and the evidence of the informant at first.

As per FIR, on dated 07.12.2020 at about 1.30 A.M. she was sleeping with her two daughters namely Priyanka Kumari and Rambha Kumari. Abhishek Kumar knocked the door and trespassed her house. Abhishek Kumar outraged modesty of her daughter. On protest, he showed the pistol to their head and assaulted them. He abused them naming their cast and threatened them for dire consequences.

This witness(P.W.1) disclosed in his evidence that on the instruction of Mahalla people she instituted this case. She did not identify Abhishek Kumar. She failed to recognize the person who entered her house due to darkness of night. She failed to identify who outraged to her daughters. On the instruction of Mahalla people she mentioned the name of Abhishek Kumar only. She voluntarily deposed before this Court. No occurrence was taken place. Police have not recorded her statements.

The victim/informant did not support her case. She did not identify the accused person. She instituted this case only on the instruction of Mahalla people. Her evidence is not supportive to the case of the prosecution.

(ii) Similarly P.W.2 also one of the victim. She stated during evidence that the hulla-gulla happened at about 11.00PM night. Due to darkness, she did not identify the accused person. She deposed voluntarily. Accused person has not outraged modesty to her mother and sister. This victim/witness also failed to identify the accused person. Similarly P.W.3 stated that he has no knowledge about the occurrence. In this way none of the witnesses supported the case of the prosecution.

10.03.2026
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बोकारो बजार
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13. The aforesaid analysis of the evidence on record, reveals that the accused person namely **Abhishek Kumar Sharma** has not committed offences of U/s. 447/448/354/341/323/504/506 IPC R/W 3(i)(r)(s)/3(2)(va) of SC & ST (Prevention of Atrocities) Act. So, the accused person namely Abhishek Kumar Sharma found, not guilty of the offence U/s. 447/448/354/341/323/504/506 IPC R/W 3(i)(r)(s)/3(2)(va) of SC & ST (Prevention of Atrocities) Act, for which he is acquitted therefrom U/s.235(1) Cr.P.C.

The judgment is pronounced in the open Court today on this 10th the day of March, 2026 given under my hand and seal of this Court.

Typed & corrected by

Sailendra Kumar Panda
1st Addl. Sessions Judge.
Bhojpur at Ara. 10.03.2026

Sailendra Kumar Panda

1st Addl. Sessions Judge, 1st 10.03.2026
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