

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IVth
Civil Court, Bhojpur (Ara), Bihar. 802301.
Session Trial No. 263/2025 arising out of Udwant Nagar (Gajrajganj)
P.S. Case, No. 526/2023

State of Bihar

..... **Prosecution**

Versus

1. **Om Prakash Singh, S/o Nandji Singh @ Nandji Yadav,**
{Resident of Village:- Anua, P.S. Sahar, District- Bhojpur}
2. **Sumit Kumar @ Brajesh Kumar, S/o Surendra Singh,**
{Resident of Village:- Kaudiya Biwiganj, P.S. Muffassil, District-Bhojpur}
3. **Dinesh Singh, S/o Vijesh Singh,**
{Resident of Village:- Manaini, P.S. Charpokhari, District- Bhojpur}
4. **Satish Kumar, S/o Anil Thakur,**
{Resident of Village:- Situhari, P.S. Narayanpur, District- Bhojpur}
5. **Pappu Kumar @ Pradeep, S/o Vedprakash Singh @ Radheyshyam**
6. **Sunil Kumar, S/o Sri Bhagwan Singh**
{Both Resident of Village: Bhaluni Tino, P.S. Narayanpur, District-Bhojpur}

..... **Accused Persons.**

Name of Police Station: Udwantnagar (Gajrajganj)

First Information Report No : 526 of 2023

FIR Under Sections: 395 of the Indian Penal Code, 1860.

Cognizance Under Sections:- 395 and 412 of the Indian Penal Code, 1860

Committed on: 15.05.2025

District: - Bhojpur

Charges framed under Sections:- 395 and 412 of the Indian Penal Code, 1860.

Ld. Counsel for the State : Sri Ram Prasad Ram, Ld. A.P.P.

Ld. Counsel for the Accused person : Sri Manoranjan Kumar Singh &
ors, Ld. Advocate(s).

Date of Judgment:-13.03.2026

Present: Manoranjan Kumar Jha,
Additional Sessions Judge - IVth,
Bhojpur at Ara.

J U D G M E N T

1. In the present Session Trial, arising out of Udwantnagar (Gajrajganj) P.S. Case No. 526 of 2023, the aforementioned accused persons namely **Om Prakash Singh, Sumit Kumar @ Brajesh Kumar, Dinesh Singh, Satish Kumar, Pappu Kumar @ Pradeep and Sunil Kumar** are charged punishable under sections 395 and 412 of the Indian Penal Code, 1860.

2. The prosecution case, as unfolded from the F.I.R. and the detailed fard-bayan of the informant, is that on on 27.12.2023 at around 08.00 P.M, while the informant's truck driver departed with loaded truck i.e. 500 bags of wheat for Danapur, the accused persons on 28.12.2023 at around 12.55 A.M. overtake his truck bearing Registration No. BR-44G0433 and looted the truck including articles loaded in the truck i.e. 500 bags of wheat weighting about 25 ton at gun point and also tied the driver and khalasi of the said truck at a unknown place and threaten them to kill.
3. On the basis of the fard-bayan of the informant–Virendra Yadav, the Police registered F.I.R. bearing number Udwantnagar (Gajrajganj) P.S. Case No. 526 of 2023 against the above named accused persons.
4. Upon completion of a thorough investigation, the Investigating Officer, Sub-Inspector, found the allegations against the accused persons to be substantiated by the evidence collected. Consequently, Charge Sheet was submitted before the Court under Sections 395 and 412 of the Indian Penal Code, 1860.
5. Following the submission of the Charge Sheet by the Investigating Officer, the learned Chief Judicial Magistrate, Bhojpur at Ara, perused the investigative materials and case diary in Udwantnagar P.S. Case No. 526 of 2023. On 26.04.2025, being satisfied that a *prima facie* case was made out against the accused persons namely, **Om Prakash Singh, Sumit Singh @ Brajesh Kumar, Dinesh Singh, Satish Kumar, Pappu Kumar @ Pradeep and Sunil Kumar**, the learned Magistrate took formal cognizance of the offenses under Sections 395 and 412 of the IPC. As the offences, particularly under Sections 395 and 412 of the IPC, are exclusively triable by the Court of Sessions, the case was subsequently committed for trial on 15.05.2025. The records were then transferred to this Court registered as Session Trial Case No. 263/2025 for further proceedings according to the law.
6. The accused person denied any involvement in the alleged criminal acts and thus claimed to be tried in accordance with the law. On 12.06.2025, Charges were framed by this Court under Sections 395 and 412 of the Indian Penal Code, 1860. Upon framing of the 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 **4 (four)** witnesses.
7. After closure of prosecution evidence, the statement of accused person was recorded under section 313 of Cr.P.C on 27.02.2026. The Accused person denied and claimed his innocence. Thereafter, the record was fixed for defense evidence but no defense evidence was produced on behalf of the accused person.

Points for determination

- I. Whether the accused persons are guilty of the offence 395 and 412 of the Indian Penal Code, 1860 ?

Evidence

8. In support of its case the prosecution has examined 04(Four) witnesses namely PW-1 Birendra Yadav (Informant), PW-2 Dhanji Yadav, PW-3 Rahul Yadav, and PW-4 Hari Prasad Sharma (Investigation Officer) Exhibits, P-1-Signature of P.W 1 on written application.
9. **P.W-1: is Birendra Yadav (Informant)** In his examination-in-chief, PW-1 deposed that the incident occurred on 28.12.2023 at about 12:55 A.M. and at that day he was in Buxar and truck no. BR-44G0433 owned by him and in the truck, 25 ton of wheat was loaded and the loaded truck was going to Banke Bihari Mill, Danapur and while the truck reached at Dhaamar Mor, the truck was overtook by a vehicle and five, six persons entered into truck's cabin and tied driver and khalasi of the truck and take control of truck and went towards Buxar and as the truck reached at Son Hotel, before that tied driver and khalasi in the bush. Further deposed that somehow, the driver and khalasi after opening their hand went to petrol pump and informed him on call about the incident thereafter, he returned from Buxar and with driver and khalasi searched about the truck and after search when did not found the truck thereafter he gave written application before P.S. Gajrajganj and the same was marked as **Exhibit-01, on identification.** The witness denied the identification of the accused as he had not seen the alleged occurrence or the accused.

In his cross-examinations, the witness deposed that he was at his home when he got information about the alleged occurrence and he had no talk with the nearby people of the alleged place of occurrence. The witness stated that the stolen truck was found in abandoned condition.

10. **P.W-2: Dhanji Yadav (Driver)**, P.W-2, in his deposition testified as an eye-witness to the occurrence. He stated that the occurrence took place on 27.12.2023 at about 12:00 A.M. in the midnight while he was going from Chausa to Danapur driving truck no. BR-44G0433 and when he reached near Dhamar Mor, then a ten wheeler truck overtake his truck and 8-10 persons armed with weapon entered into his truck and snatched their mobile phone and covered their eyes with Gumcha and also assaulted them. The witness further deposed that thereafter the accused drove the truck at distance stopped it just a little before the Petrol

Pump at Amrai Nawada and step them out from the truck and then tied them at a distance from the road in a Babool tree and then flew away driving their truck. Further deposed that he can identify the accused persons who assaulted them and snatched truck. Thereafter the witness identified the accused by face but not by name. The witness further deposed that after some point of time, he managed to untie and rushed towards the patrol pump and with the help of someone, managed to inform truck owner about the incident.

In his cross-examinations, the witness stated that the truck owner reached there after one hour of the information. The witness further stated that at around 09:00 PM in the night, he started his journey from Chousa for Danapur and he stopped in the way at the house of truck owner for taking money for purchasing of diesel but admitted that he had not given any chit of paper to the police regarding purchase of the same nor can take name of the said patrol pump. The witness admitted that Buxor-Patna road is a busy road where the alleged occurrence took place and several vehicles crosses all the time. The witness stated that he cannot say the number of truck which overtake them and he cannot say the name of the driver of that truck. The witness further stated that during stopping of his truck by the accused truck, the road was not blocked completely. The witness further deposed that the accused committed the occurrence within five minutes of stopping and during that period 2-3 vehicles crossed the road but he cannot say the number of those vehicles. The witness admitted that the truck owner is present in the court during his depositions. The witness further deposed that the patrol pump was at some distance from the place they were tied with tree. The witness further deposed that the owner came there after one hour of information and at that time he was with Om Narayan Yadav and one Inspector namely Rajesh Malakar but he cannot say whether Rajesh Malkar is a witness in this case or not. The witness further admitted that at the time of registration of the case, he told the owner that the accused were 5-6 in number and were unknown to him but he had not found opportunity to read the content of FIR registered by his owner. The witness further admitted that they have neither shown nor delivered the Gamacha (Cloth) to the police by which they were tied with the tree by the accused. The witness further admitted that during his statement before the police he stated that the accused were 5-6 in number and he could not identified them and even denied to identify the accused by seeing. The witness also admitted that the police never made identification parade of the arrested accused and he was never taken to the jail for identification of the accused. The witness further deposed that he never went for any treatment and he told the owner and the police about assault made by the accused with them. The witness further stated that his eyes

were tied so he could not see the person who drove his truck. The witness further deposed that after 4-5 days, the truck was recovered from Arwal District but he cannot say the specific place from where the truck was recovered but upon information when he went Arwal then he saw the truck near Arwal Bridge. The witness admitted the fact that he has made statement as to identification of the accused in the court itself. The witness further deposed that he cannot say whether the owner mentioned the fact of snatching mobile from him in the FIR or not. The witness deposed that he is driving vehicle since 2013 and working as driver under Virendra Yadav since 3 years. The witness admitted the fact that though the truck owner receives paper of transporting articles but he cannot recall whether the owner had given the paper to police or not. The witness further deposed that the loaded wheat was of Banke Bihari Company but he did not inform him about the incident. The witness further deposed that the owner had informed transporter Mukesh Tiwari about the alleged occurrence who reached at the spot around 06:00-07:00 AM in the morning but he cannot say whether the police had taken statement of transporter or not. The witness further deposed that at that time around 100-200 people were present there but he cannot say of how many people, the police had recorded statement. The witness further deposed that they were remain in truck in tied condition for around 30-35 minutes and were assaulted by the accused for 10-15 minutes. The witness further deposed that he had shown injury mark on leg to the police. The witness further deposed that though the truck was recovered but the loaded wheat was yet not recovered. The witness further deposed that he is owner of two big trucks and his brothers have 09 trucks which are used for transportation. The witness further deposed that he had shown both the place of occurrence to the police but there was no mark of spread of what at the place of occurrence. The witness further admitted that there was no mark present in the cabin of the truck by which it can be inferred that alleged occurrence took place but denied the fact that he has made false statement before the police and he in connivance with Virendra Yadav made disappearance of the loaded wheat and implicated the innocent people in this case. The witness further denied the fact that he never worked as driver of Virendra Yadav.

11.P.W-3: Rahul Yadav (Khalasi), in his examination-in-chief, PW-3 deposed that the incident occurred on 27.12.2023 at about 12:00 A.M. in the midnight and at that day they were about to reach Dhamaar Mor and doing work as Khalasi and on that date and time an unknown truck came from behind and overtake their truck and from that truck five-six persons get off the truck and opened our truck's door with weapon and then entered into their truck and snatched their mobile phone and tied their eyes with Gumcha and also assaulted them and then drove the truck far

away and take down them before Petrol Pump at Amrai Nawada and tied them with Babool tree and thereafter the accused flew away driving their truck. The witness further deposed that anyhow they managed to untie and then went to patrol pump from there they informed the truck owner Virendra Yadav about the occurrence. The witness claims to identify the accused present in the court by face but not by name.

In his cross-examinations, the witness deposed that though the owner was not known to him but the driver was known to him for two years. The witness further deposed that the driver Dhanji Yadav owns no vehicle and it was Dhanji who made him work as Khalasi under Virendra Yadav. The witness further deposed that he had no proof as to the fact that he was working as Khalasi under Virendra Yadav. The witness further admitted that he had not seen any chit of paper by which it can infer that the loaded wheat was of Banke Bihari Company and he had no information as to the fact that whether manager or any one from Banke Bihari Company ever inquired from Virendra Yadav as to the alleged occurrence. The witness further deposed that for the first time he narrated the incident to owner Virendra Yadav in presence of one unknown patrol pump staff and he had not said to the owner that he could identify the accused. The witness admitted the fact that he made statement before the police that he can identify the accused but denied the fact that he had neither stated nor claimed to identify the accused by seeing their face. The witness further deposed that he had shown the police both the place of occurrence. The witness further deposed that the place where they were tied was at a distance of 100-150 meter from the main road but he cannot say the direction. The witness further deposed that there was no mark of cutting of his body or his cloth during the alleged occurrence. The witness further deposed that the tree where he was tied was at a distance of 50-100 meter from the tree where driver Dhanji was tied but he could not see the tree where Dhanji was tied. The witness further deposed that the police recorded his statement one hour prior to visit the place of occurrence. The witness further deposed that there was no mark present in the truck by which it can be said that alleged occurrence took place. The witness further deposed that though the accused tied their faces with Gamacha (cloth) but there was no mark present on their faces by which it can be infer that they were tied. The witness admitted the fact that during course of investigation, he never stated or made any application to police as to the fact that he can identify the accused by face. The witness further deposed that he was known to Dhanji driver for 3 years and working as Khalasi with him. The witness further deposed that the police reached at the spot after 10-30 minutes when the owner reached there. The witness further deposed that he has no proof of working as Khalasi on that day and he cannot say from where or from whom the said wheat were purchased but he had seen the chit

of paper relating to purchase of wheat. The witness further deposed that he has information as to the fact that the alleged truck was recovered in abandoned condition from Arwal and no one was arrested with the alleged truck. The witness further admitted that though the accused were carrying arms but he could not identify the accused and he never made any statement to police as to the fact that he can identify the accused by face. The witness denied the fact that he had falsely implicated the accused and made false statement in the court.

12. P.W-4: Hari Prasad Sharma (Investigating Officer), in his examination-in-chief, PW-4, the Investigating Officer. deposed that on the date of occurrence i.e. 28.12.2023, he was posted as S.H.O. at Gajrajganj O.P. On 28.12.2023, Virendra Yadav S/o Late Sakaldeep Yadav gave a written complaint at P.S. Udwanthnagar (Gajrajganj) which was registered as Udwanthnagar (Gajrajganj) P.S. Case No. 526/2023 under Section 395 and on that day took charge of investigation. After taking charge of investigation, he took re-statement of the informant and also took statement of truck driver Dhanji Yadav and Khalasi Rahul Yadav and after that examined the place of occurrence which was mentioned in para 8. On 31.12.2023 recovered the looted truck from District Arwal and prepared the seizure list of the looted truck in presence of two witnesses, which is mentioned in para 37 and same was informed S.H.O. Arwal. Further deposed that he identified the owner of the truck as mentioned in para 45 of the C.D. The witness further deposed that he was informed by SHO Kachhua P.S. as to the fact that accused Om Prakash had made confessions and accepted his involvement in the truck loot dated 28.12.2023. The witness further deposed that he had submitted Charge-sheets in this case against the accused and also identified his signature upon the seizure list.

In his cross-examinations, the witness deposed that he was not informed by the Driver or Khalasi about the alleged occurrence. The witness further stated that he had neither inquired nor investigated from Manager or staff of Banke Bihari Company as to the purchase of alleged wheat and none had ever produced any chit of paper regarding purchase of wheat allegedly loaded on the truck and also he never tried to get the alleged papers as to purchase of the wheat loaded in the truck. The witness further deposed that neither the truck owner nor anyone shown him the place at Chousa from where they purchased alleged loaded wheat. The witness admitted that there is nothing in his case diary by which it can be inferred that he ever went to Banke Bihari Company to inquire the matter. The witness also admitted that none had produced any paper to him so as to believe the alleged wheat was loaded for Banke Bihari Company. The witness further deposed that though the witnesses have stated about the place where they were tied with the Babool tree but he

had not mentioned this fact in any para of his case diary. The witness also admitted that none of the witnesses had shown any cloth to him by which they were allegedly tied and the witnesses have also not shown any injury mark on their body allegedly occurred during occurrence. The witness further admitted that he had not mentioned time of visiting place of occurrence in his diary. The witness also admitted that though he had verified CCTV footage but could not find any material relevant to this case and during his investigation there was no recovery of alleged looted wheat i.e. 500 bags. The witness also admitted that alleged truck was seized in absence of truck owner and also in absence of any independent witness. The witness also admitted that neither the truck driver nor the Khalasi had ever stated to him as to the fact that they can identify the accused even by face. The witness deposed that he never conducted any Test Identification Parade during his investigation. The witness also admitted that no confessional statement of accused Om Prakash was recorded in his presence and he had no personal information as to criminal antecedents of the accused persons. The witness also admitted that he never took statement of SHO Kacchua P.S. and no incriminating articles were recovered either from the person or possession of the accused persons. The witness also admitted that Khalasi or Driver or Owner of the alleged truck never produced before him any chit of paper as to purchase of wheat loaded in the truck. The witness also admitted that he never inquired the place from where alleged wheat were claimed to be purchased and during his investigation none of the independent witnesses or nearby people ever stated him about the alleged occurrence. The witness denied the fact that he had done faulty investigation and falsely implicated the accused in connivance with the truck owner and driver.

Analysis of Evidence

13. Learned counsel for the accused persons submits that this is a case of virtually no evidence against the accused person inasmuch as the testimony of the witnesses are not reliable and there is neither any credible recovery from the accused nor the motive is established. It is urged that the accused implication has surfaced on the basis of fard-bayan of Informant. It is further urged that there is no any independent witnesses who support the case of the informant. The witnesses first time identified the accused by face only in the court and there is neither any test identification parade done by the police nor the witness ever told the I.O. as to identify the accused. Moreover, the witness produced are only interested witnesses and conviction cannot be sustained on these bases. It is submitted that the prosecution not only failed to establish its case but also failed to bring on record any reliable evidence.

- 14. Learned APP**, on the other hand, has supported his case on the ground that the witnesses have supported the case and the police had also recovered looted truck from Arwal district. Further submitted that the I.O. had also verified the place of occurrence and submitted charge-sheet after finding verifiable evidence against the accused. The evidence produced on his behalf are sufficient to establish the case and the charge as framed.
- 15. This Court** has gone through the case record. In support of its case, the prosecution has examined 4(four) witnesses namely PW-1 Birendra Yadav (Informant), PW-2 Dhanji Yadav, PW-3 Rahul Yadav, and PW-4 Hari Prasad Sharma (Investigation Officer). Perusing the evidence of **PW-1 (Informant – Birendra Yadav)** it reflects that admittedly he is not an eyewitness and his entire knowledge based on information received from driver and khalasi. The witness admitted that he was not present at the place of occurrence and had not seen the accused and also failed to identify anyone. Further the witness not produced documentary proof regarding the Ownership of wheat and also of Transport papers. Therefore, through his evidence it can be safely said that the PW-1 is purely a **hearsay witness** and his evidence cannot be used to establish either identity of the accused or their participation in crime and as such his evidence is **formal and weak**, contributing nothing substantive in this case.
- 16. PW-2 (Driver – Dhanji Yadav)** and the prosecution claims this witness as the backbone of prosecution. The witness in his **examination-in-chief** claims 8–10 persons committed offence and he was assaulted and tied by the accused and claims he can identify accused. But his versions suffers with grave contradictions primarily with regard to number of accused as the witness stated in court that the accused were 8-10 in numbers while the prosecution case as per FIR is that the accused were 5-6 in number and this primarily appears to be a **material contradiction**, not minor. Further in his police statement, the PW 2 never stated that he can identify the accused but in Court statement the witness claims to identify the accused which appears to be **clear improvement**. The witness admitted that his eyes were covered with cloth and it clearly makes identification **impossible**. Further the witness admitted that no TIP was conducted by the police and also he never taken to jail for identification which is fatal flaw in prosecution case. The witness also admitted that the alleged occurrence took place on busy highway and vehicles were passing continuously but there is no any independent witness to support his claims which creates serious doubt upon the testimonies of this witness. Further there is no any medical evidence in support of his claim of physical assault. Further the witness himself admitted that he had never handed over to the police the alleged Gamcha nor there was any marks on truck or

the place by which it can be inferred that the alleged occurrence as stated would have taken place. Further there is clear contradiction on Identity of the accused as earlier he never claimed to identify the accused but identified in the court which clearly indicates afterthought and tutoring in his evidence as made in presence of the owner of the truck. Further the witness had neither provide papers of wheat nor transporter evidence which could have corroborated the story as propounded by him. Therefore, considering the evidence of this witness it can be infer that his evidence is contradictory, unreliable and improvised and as such his testimony is **unsafe for trust**.

17. Further , PW-3 is (Khalasi – Rahul Yadav) who in his examination-in-chief made similar story as PW-2 and claims identification of the accused. But in his cross-examinations, there is apparent contradiction on the point of identification of the accused as the witness admitted that he never told police he could identify the accused but in the court, the witness claims for the first time to identify the accused which completely makes his story upon identification as not reliable. Further the witness also admitted that his eyes were tied and covered and in such situation his testimony as to Identification is completely doubtful. Further the witness admitted that no medical report was prepared and he sustained no visible injury and as such it completely dent the story of the prosecution as to assault done by the accused. Further the witness admitted that there is no Proof of his employment as Khalasi in the alleged truck and as such his presence during alleged occurrence makes doubtful. Further the witness had also not submitted any proof of wheat allegedly loaded in the truck and even he had no knowledge from where and for whom the alleged wheat was being transported by the truck. Further the witness made statement that there were around 100-200 persons present at the patrol pump but neither the I.O. nor the prosecution examined any of the independent witness in support of its case which clearly dents the story propounded by the prosecution. Further this witness also admitted that there was no Physical Evidence present either on the truck or upon the alleged place of occurrence which can corroborate the story as deposed. Therefore, considering the evidences of this witness, it can be inferred that PW-3 is also **not trustworthy** and his depositions suffers from **material contradictions and omissions**.

18. PW-4 is the Investigating Officer and it is settled principles that the investigation is the backbone of any criminal case but in the case in hand, it is severely defective. It is admitted by the I.O. that he had not conducted TIP which is clearly fatal to the prosecution case and more particularly in identification of the accused persons. Further admittedly the I.O. during its investigation neither recovered any stolen goods/ wheat nor recovered any incriminating articles from the person or possession of the accused so as to con-

nect them with the alleged occurrence. Further the I.O. had never tried to get the documentary proof as to loaded wheat and also not inquired from the company as to transportation of the wheat to make the case transparent and reliable and to corroborate the story of the prosecution. Further the witness admits the presence of independent witnesses at the spot but could not assigned any specific reason as to the fact what prevented him taking their statement and to make the case a real one and corroborative. Further the witness denied about the injury sustained by the witnesses and also admits no cloth was ever seized by him. Further the witness has deposed about the confession recorded by other police station but admittedly the I.O. was neither present at the time of confession nor he has recorded statement of the concerned SHO, Kachua and as such the alleged confession remained hearsay. Further, the I.O. had not collected any Scientific Evidence during its investigation and admittedly found CCTV footage irrelevant for this case. Further, even the truck was seized without independent witness and none of the seizure witness examined by the prosecution and as such the seizure becomes faulty and creates dent on the case of the prosecution. furthermore, the I.O. had not verified the second place of occurrence which clearly makes the investigation faulty. Therefore, considering the entire deposition of this witness, it can be inferred that the witness had conducted Investigation in Casual, incomplete, unscientific and unreliable manner and as such the investigation does not inspire confidence and creates serious doubt.

- 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 depositions are full of contradictions and omissions and admittedly no TIP was conducted by the I.O. and in such situation the identification of the accused in the court for the first time makes the identification unreliable. Further the prosecution failed to show any recovery from the possession of the accused and also failed to link the recovery with the accused. Further the prosecution completely failed to establish ownership of wheat and transportation documents so as to believe the story created by them. Further, there is complete contradictions and improvements in number of accused and their identification as well as in details of the occurrence which clearly makes the case highly doubtful. Further there is apparently multiple lapses in the investigation so conducted and also it lacks corroboration which weakens the case of the prosecution. The prosecution not only failed to establish the occurrence as alleged but also miserably failed to link the accused with the alleged offence. Therefore, the prosecution has miserably 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, **Om Prakash Singh, Sumit Singh @ Brajesh Kumar, Dinesh Singh, Satish Kumar, Pappu Kumar @ Pradeep and Sunil Kumar** beyond reasonable doubt.

ORDER

- 21.** In view of the above, this court is of the opinion that the prosecution has failed to establish the offences under Sections 395 and 412 of the Indian Penal Code, 1860 against the accused persons namely, **Om Prakash Singh, Sumit Singh @ Brajesh Kumar, Dinesh Singh, Satish Kumar, Pappu Kumar @ Pradeep and Sunil Kumar.**

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.

Dictated

(Sri Manoranjan Kumar Jha)

Addl.Sessions judge-IVth

Bhojpur at Ara.

Dated- 13th March, 2026

(Sri Manoranjan Kumar Jha)

Addl.Sessions judge-IVth

Bhojpur at Ara.

Dated- 13th March, 2026

Annexure-A**Prosecution witnesses**

PW-1	Birendra Yadav (Informant)
PW-2	Dhanji Yadaav
PW-3	Rahul Yadav
PW-4	Hari Prasad Sharma (Investigating Officer)

Documentary Evidence of prosecution

P-1	Signature of PW-1
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Defence witnesses :- Nil**Documentary Evidence of defence :- Nil**