

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 :- 25.04.2026</u> S.Tr. / C.I.S. NO. 418/2024 Barhara P. S. Case No. 21/2023	
COMPLAINANT	State of Bihar through informant Raja Pandit
REPRESENTED BY	Mr. Parashuram Chaudhary, Ld. Additional Public Prosecutor
versus	
ACCUSED PERSONS	Bhola Pandit, aged about 30 years (A1)
	Raju Pandit, aged about 25 years (A2)
	Ajit Pandit, aged about 30 years (A3)
	Chandan Pandit, aged about 32 years (A4)
	Banarasi Pandit, aged about 50 years (A5)
REPRESENTED BY	R.K. Sinha, Ld. Advocate.

Date of offence	14.01.2023
Date of F.I.R.	15.01.2023
Date of Charge-sheet	08.12.2023
Date of Framing of Charge	03.09.2024
Date of commencement of evidence	13.11.2024
Date on which the Judgment is reserved	22.04.2026
Date of Judgment	25.04.2026
Date of sentencing Order, if any	N.A.

Rank of the Accused person	A-1
Name of the Accused Persons	Bhola Pandit

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Date of Arrest / Surrender	06.02.2023
Date of Release on Bail	06.02.2023
Offences charged with	u/ss 341/34, 323/34, 325/34, 307/34, 354/34, 379/34, 447/34, 504/34 & 506/34 IPC.
Whether Acquitted or convicted	Acquittal
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	Raju Pandit
Date of Arrest / Surrender	06.02.2023
Date of Release on Bail	06.02.2023
Offences charged with	u/ss 341/34, 323/34, 325/34, 307/34, 354/34, 379/34, 447/34, 504/34 & 506/34 IPC.
Whether Acquitted or convicted	Acquittal
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	Ajit Pandit
Date of Arrest / Surrender	06.02.2023
Date of Release on Bail	06.02.2023
Offences charged with	u/ss 341/34, 323/34, 325/34, 307/34, 354/34, 379/34, 447/34, 504/34 & 506/34 IPC.
Whether Acquitted or convicted	Acquittal
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	Chandan Pandit
Date of Arrest / Surrender	06.02.2023
Date of Release on Bail	06.02.2023
Offences charged with	u/ss 341/34, 323/34, 325/34, 307/34, 354/34, 379/34, 447/34, 504/34 & 506/34 IPC.
Whether Acquitted or convicted	Acquittal
Sentence Imposed	N.A.

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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	Banarasi Pandit
Date of Arrest / Surrender	06.02.2023
Date of Release on Bail	06.02.2023
Offences charged with	u/ss 341/34, 323/34, 325/34, 307/34, 354/34, 379/34, 447/34, 504/34 & 506/34 IPC.
Whether Acquitted or convicted	Acquittal
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	Raja Pandit	Informant
P.W.2	Urmila Devi	Other Witness
P.W.3	Munni Devi	Other Witness
P.W.4	Dr. Shashi Kumar	Medical Witness
P.W.5	Bhawna Rai	Police witness
P.W.6	Kashinath Pandit	Eye Witness
P.W.7	Manako Devi	Eye Witness

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	N.A.	OTHER WITNESS

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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.P-1/P.W.1	The signature of the informant Raja Pandit on the written application.
2.	Ext.P-2/P.W.4	Injury Report of Manako Devi.
3.	Ext.P-2/2/1/ P.W.4	Supplementary Injury Report of Manako Devi.
4.	Ext.P-3/P.W.4	Injury Report of Kashi Pandit.
5.	Ext.P-4/P.W.4	Injury Report of Raj Kumar Pandit.

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 is facing trial for committing offences u/ss 341/34, 323/34, 325/34, 307/34, 354/34, 379/34, 447/34, 504/34 & 506/34 IPC.
2. The prosecution case as per the first information report is that the informant Raja Pandit gave a written application to the officer in charge of Barhara police station stating that on 14.10.2023 at 6:00 P.M., they all were basking by the fire at the door. Meanwhile Banarasi Pandit, Bhola Pandit and Raju

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Pandit came in front of his door with common intention and started hurling filthy abuses. When his father protested against them using abusive language, Banarasi Pandit assaulted on the head of his father Kashinath Pandit with iron rod due to which lots of blood started oozing out and he fell down on the ground. When his mother Manako Devi came to rescue him, Bhola Pandit threw her on the ground by holding her hair and Raju Pandit started assaulting her with kicks and fists. When he tried to save his parents, all the three persons pressed his mouth and assaulted him. When his Sister Dipawali Devi came to save them, Bhola Pandit assaulted violently with danda on the right hand of his sister due to which her hand was broken and she fell down on the ground thereafter Raju Pandit snatched gold chain from the neck of his sister. Hearing the noises of quarrel, Ajit Pandit and Chandan Pandit both son in laws of Banarasi Pandit came and all the five persons started assaulting his family with lathi and danda. His elder brother was returning after doing manual labour and hearing hulla, he rushed to save them meanwhile Ajeet Pandit assaulted him with lathi under his eye due to which he got a very deep wound and blood started oozing out. In the course of violence, Chandan Pandit snatched gold jiutiya from the neck of his mother. Hearing ho-halla, the villagers gathered and took his family to Mani chhapara primary health centre for treatment after rescuing them from where his parents were referred to Sadar Hospital, Ara for better treatment.

3. On the basis of written application of informant Raja Pandit, Barhara P.S. Case No. 21/2023 dated 15.01.2023 was registered against accused Banarasi Pandit, Bhola Pandit, Raju Pandit, Ajit Pandit and Chandan Pandit u/ss 341/447/323/307/354/325/379/504/506/34 IPC. Police submitted charge sheet against accused Banarasi Pandit, Bhola Pandit, Raju Pandit, Ajit Pandit and Chandan Pandit vide charge-sheet no. 686/2023, dated 08.12.2023, u/ss 341/447/323/307/354/325/379/504/506/34 IPC. The cognizance was taken by CJM, Bhojpur on 20.03.2024 u/ss 341, 447, 323, 307, 354, 325, 379, 504, 506/34 IPC.
4. The charge were framed against accused Banarasi Pandit, Bhola Pandit, Raju Pandit, Ajit Pandit and Chandan Pandit on 03.09.2024, u/ss 341/34, 323/34,

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325/34, 307/34, 354/34, 379/34, 447/34, 504/34 & 506/34 IPC. The charge were read over and explained to the accused in Hindi to which they pleaded not guilty and claimed to be tried. The incriminating evidence on the record against the accused were brought into their notice and their statements u/s 313 Cr.P.C. was recorded on 21.04.2026 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 charge so alleged against the accused beyond all reasonable doubt?
6. The prosecution produced oral and documentary evidence to substantiate its case. The prosecution examined seven witnesses namely P.W.1- Raja Pandit, P.W.2- Urmila Devi, P.W.3- Munni Devi, P.W.4- Dr. Shashi Kumar, P.W.5- Bhawna Rai, P.W.6- Kashinath Pandit and P.W.7- Manako Devi. Documentary evidence Ext.P-1/P.W.1 is the signature of the informant Raja Pandit on the written application, Ext.P-2/P.W.4 Injury Report of Manako Devi, Ext.P-2/2/1/P.W.4 Supplementary Injury Report of Manako Devi, Ext.P-3/P.W.4 Injury Report of Kashi Pandit and Ext.P-4/P.W.4 Injury Report of Raju Kumar Pandit. The prosecution evidence was closed on 04.02.2026. The defence side did not examine any witness. The defence evidence was closed on 21.04.2026.
7. P.W.1-Raja Pandit stated in his examination in chief that the occurrence took place a year back 6:00-7:00 P.M. He was at his village. He returned from his work and saw that his father and uncle were quarreling. His father, mother and sister Dipawali Devi got injured in this brawl. His uncle Banarasi Pandit had assaulted them with rod due to which his father's head was split open, mother's hand was fractured and his sister sustained injury in her hand. These persons got treatment in Barhara Hospital. He had given written application in the police station regarding the occurrence. He identifies his signature on the written application which is marked as Ext.P-1/P.W.-1. He had filed case against Banarasi Pandit, Bhola Pandit, Raju Pandit, Chandan Pandit and Ajeet Pandit. He identifies all the accused

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present in the court. During his cross-examination by defence, he stated that the accused are his uncle, cousins and cousin brother in laws. He has voluntarily signed the compromise.

8. P.W.2-Urmila Devi stated in her examination in chief that she has no knowledge of the occurrence as she was in her naihar at the time of the occurrence. The witness was declared hostile on the request of the prosecution and Ld. Additional Public Prosecutor was permitted to cross-examine her. During her cross-examination by prosecution, she denied the suggestion that she had stated before police that she is the wife of the informant of this case and further stated that Banarasi Pandit is pattidar and shares house and court and there were differences between the parties and on 14.01.2023, she and all the members of her family were sitting on the door and were warming themselves by fire meanwhile accused Banarasi Pandit, Bhola Pandit and Raju Pandit all armed with lathi, danda and iron rod committed mar pit with her husband Raja Pandit and father in law Kashinath Pandit and when her mother in law went to save them, she was also assaulted and jiutiya was snatched from her neck and the dispute calmed down after the villagers intervened and during brawl, Ajit Pandit and Chandan Pandit both son in laws of Banarasi Pandit committed mar-pit with his mother in law and she was treated in Barhara Primary Health Centre. She identifies accused Banarasi Pandit, Bhola Pandit, Chandan Pandit and Ajeet Pandit present in the court and she can identify those accused who is not present in the court. She denies that she has deposed falsely in collusion with the accused. During his cross-examination by defence, she stated that she has deposed voluntarily in court without any compulsion.
9. P.W.3-Munni Devi stated in her examination in chief that she has no knowledge of the occurrence as she had gone to Jamuaon to attend the birthday of the son of her sister on the date of the occurrence. The witness was declared hostile on the request of the prosecution and Ld. Additional Public Prosecutor was permitted to cross-examine her. During her cross-examination by prosecution, she denied the suggestion that she had stated before police that about 6:00 P.M. on 14.01.2023, Banarasi Pandit who is

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pattidar of the informant and their houses are close to each other and they were involved in a mutual family dispute and were warming by fire in front of the house of the informant in the meantime Banarasi Pandit, Bhola Pandit and Raju Pandit all armed with lathi, danda iron rod came and they started abusing the informant, committed mar pit with him and when the parents of the informant came to save him, accused also assaulted them and gold jiutiya was snatched from the neck of the mother and Ajit Pandit, Chandan Pandit both son in laws of Banarasi Pandit also started quarrelling due to which informant got injured and all the injured were treated in health centre Barhara. She identifies accused Banarasi Pandit, Bhola Pandit and Chandan Pandit present in the court and she can identify one more accused but she does not know his name and she can also identify that accused by face that is not present in the court but she does not know his name. She denies the suggestion that she has deposed falsely in collusion with the accused. During her cross-examination by defence, she stated that she has deposed voluntarily in court without any compulsion.

10. P.W.4-Dr. Shashi Kumar stated in his examination in chief that on 14.01.2023, he examined Manako Devi and found swelling and pain on right palm. On the basis of X-ray done at Sadar Hospital, Ara C/3411 dated 15.01.2023 fracture of second metacarpal was found. The injury is grievous caused by hard blunt substance. The injury report and supplementary injury report are prepared by him and are in his hand writing. They are marked as Ext.-P-2/P.W.-4 and Ext.-P-2/2/1P.W.-4. On the same day, he examined Kashi Pandit and found injury cut on occipital- Parietal region 4 cm x 1 cm caused by hard and blunt substance. The opinion was kept reserved. The injury report is prepared by him and is in his hand writing which is marked as Ext.-P-3/P.W.-4. On the same day, he examined Raj Kumar Pandit and found injury redness in left eye due to trauma, cut in left lower eye-lid caused by hard and blunt substance. The opinion was kept reserved. The injury report is prepared by him and is in his hand writing which is marked as Ext.-P-4/P.W.-4. During his cross-examination by defence, he stated that he is general physician. He has not mentioned the dimensions of the

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swelling on the right palm in the injury report. If anyone falls down on the hard surface, he can suffer from fracture injury. He has not mentioned the three dimensions of the injury on the persons of injured Kashi Pandit. Opinion of injury of injured Kashi Pandit is not before me. Redness of eyes may be caused by various bacterial infections. He has not mentioned the dimensions of the injuries found on the person of Raj Kumar Pandit. The injury of Raj Kumar Pandit is superficial and simple and can be easily caused by nail. He has not perused the opinion of the injury of injured Raj Kumar Pandit. He has not mentioned the colors of the injuries of the injured. In absence of the opinion, he could not ascertain whether the injuries are simple one and grievous one. It is wrong to suggest that he has prepared the injury reports in collusion with the prosecution.

11. P.W.5-Bhawna Rai stated in her examination in chief that on 15.01.2023, she was posted as ASI in Barhara Police Station and took charge of this case on the same day. She also inspected the place of occurrence on the same day and recorded the statements of the witnesses. She had recorded the further statements of informant and the statements of Urmila Devi and Munni Devi. She received the examination reports of all the injured on 09.09.2023. She filed the charge sheet no. 686/2023 dated 08.12.2023 in the light of the order of superior officer. During her cross-examination by defence, she stated that the witnesses whose statements she had recorded were members of the family of the informant and she did not record the statement of any independent witness. Barhara PHC is situated in Monichhapra village which is one Kilometer away from police station. She had got no information regarding occurrence from 14.01.2023 at 6:00 PM till 15.01.2023 at 10:30 P.M. The doctor or compounder of Barhara PHC Monichhapra did not inform her regarding the treatment of injured persons. She does not have knowledge when the FIR was sent to police station. She did not find any mark at the place of occurrence which could reveal that any occurrence has taken place. It was 11:00 P.M., when she inspected the place of occurrence. The informant and accused belong to the same family. No criminal antecedent of any accused was found. The injured had already got their

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treatment therefore she did not send any requisition. She denied the suggestion that she has not investigated the case properly due to the influence of money of informant side and filed charge sheet.

12. P.W.6-Kashinath Pandit stated in his examination in chief that the occurrence took place two years back in the lane of the house. The boys were playing. When he went there, he slipped and his head dashed against the wall and got injured. Thereafter, he went to Monichhapra hospital and got treatment. His brother Banarasi Pandit was involved in the occurrence. Since, he had fallen therefore he could not see other persons. Police did not record his statement. The witness was declared hostile on the request of the prosecution and Ld. Additional Public Prosecutor was permitted to cross-examine him. During his cross-examination by prosecution, he denied the suggestion that on 15.01.2023, accused Bhola Pandit, Raju Pandit, Ajeet Pandit, Chandan Pandit and Banarasi Pandit committed mar pit with him due to which he got injured. He had fallen after getting injured therefore he got treatment. He denied the suggestion that the accused had committed mar pit with him but he is deposing falsely in the court in collusion with the accused. He identifies accused Banarasi Pandit present in the court and he can identify other accused also. During his cross-examination by defence, he stated that he has compromised with all the accused of this case. No mar pit was committed, he had just fallen.
13. P.W.7-Manako Devi stated in her examination in chief that the occurrence took place two years back. She does not remember the date. The occurrence had taken place at her door. The boys were playing. When she went there, she fell down and got injured in her hand. Thereafter, she got her treatment in Monichhapra Hospital. She was not assaulted by anyone. Police did not record her statement. The witness was declared hostile on the request of the prosecution and Ld. Additional Public Prosecutor was permitted to cross-examine her. During her cross-examination by prosecution, she denied the suggestion that on 15.01.2023, accused Bhola Pandit, Raju Pandit, Ajeet Pandit, Chandan Pandit and Banarasi Pandit committed mar pit with her due to which she got injured. She denied the suggestion that the accused had

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committed marriage with her but she is deposing falsely in the court in collusion with the accused. She identifies accused Banarasi Pandit present in the court and she can identify other accused also. During her cross-examination by defence, she stated that she has compromised with all the accused of this case. She has deposed voluntarily in the court today without any compulsion.

14. I have heard learned Additional Public Prosecutor, learned counsel for the defence and also perused the case record.
15. The accused is on the trial for the charge leveled againsts them u/ss 341/34, 323/34, 325/34, 307/34, 354/34, 379/34, 447/34, 504/34 & 506/34 IPC. From the scrutiny of the prosecution evidence on the record, it is clear that P.W.1 Raja Pandit is the son of P.W.6 and P.W.7 who are injured of this case and he has proved Ext.-1 which is written application for the registration of FIR. P.W.1 has stated that accused Banarasi Pandit assaulted and injured his father, mother and sister while as per Ext.-1, he has named as many as five persons including accused Banarasi Pandit to have committed the offence. Further P.W.1 has also stated that the case has been compromised with the accused and he has voluntarily signed the compromise deed though there is no compromise deed on the record. P.W.2-Urmila Devi is wife of P.W.1 and P.W.3-Munni Devi did not support the prosecution case and they were declare hostile on the request of the prosecution. P.W.6-Kashinath Pandit and P.W.7-Manako Devi are injured/victims of this case and both of them did not support the prosecution case and were declared hostile. P.W.4-Dr. Shashi Kumar is the medical officer who examined the victims, found that the victims had sustained the injuries. P.W.5-Bhawna Rai is the investigating office of this case. P.W.5 did not record the statement of any independent witness during investigation nor had taken the victims to the hospital. It is also evident from the perusal of Ext.-1 that the occurrence had taken place at 6:00 PM on 14.01.2023 while information in the Barhara Police Station was given at 10:30 PM on 15.01.2023.
16. Thereafter, in view of the facts and circumstances of this case and evidence

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on the record, I come to the conclusion that the prosecution has failed to prove its case beyond reasonable doubt against accused Banarasi Pandit, Bhola Pandit, Raju Pandit, Ajit Pandit and Chandan Pandit u/ss 341/447/323/307/354/325/379/504/506/34 IPC. Therefore, I acquit accused Banarasi Pandit, Bhola Pandit, Raju Pandit, Ajit Pandit and Chandan Pandit u/ss 341/447/323/307/354/325/379/504/506/34 IPC in connection with Barhara P.S. Case No.-21/2023. Accused Banarasi Pandit, Bhola Pandit, Raju Pandit, Ajit Pandit and Chandan Pandit are on bail, their bail bonds are cancelled and sureties are discharged.

Date : - 25.04.2026

Judgement pronounced in the open court.

(Dictated)

Sudhakar Pandey
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(Dictated and corrected)

Sudhakar Pandey
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