

Present:- Sri Santosh Kumar Pandey,
District & Additional Sessions Judge-I, Darbhanga
Sessions Trial No. 132/2021
Registration No. 132/2021
(Arising out of Sadar P.S. Case No. 178/2020)

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-1 DARBHANGA Present:- Santosh Kumar Pandey, District & Additional Sessions Judge-1 Date of Judgment:- 09.04.2026 ST No.- 132/2021 Case No.:- Sadar PS Case No.- 178/2020	
REPRESENTED BY	Shri Lalan Kumar, Addl.P.P
ACCUSED	Rahul Kumar S/o Ram Prasad Mahto aged about 28 years. Resident of village Thakurniya Mudiya, P.S.- Bhalpatti, District-Darbhanga.
REPRESENTED BY	Shri Anand Alok, Learned Advocate

Date of Offence	02.05.2020
Date of FIR	05.05.2020
Date of Charge-sheet	CS No.-155/2020, Dated-15.07.2020
Date of Framing of Charges	19.06.2021
Date of Commencement of evidence	05.07.2021
Date on which judgment is reserved	18.03.2026
Date of the Judgment	09.04.2026
Date of the Sentencing Order, if any	NIL

Accused Details:

Rank of the Accused	A-1
Name of Accused	Rahul Kumar S/o Ram Prasad Mahto aged about 28 years. Resident of village Thakurniya Mudiya, P.S.- Bhalpatti, District-Darbhanga.
Date of Custody	22.05.2020
Date of Release on Bail	17.07.2021
Offences Charged with	U/s- 323/34, 341/34, 307/34, 379/34 & 504/34 of the IPC
Whether Acquitted or convicted	Acquitted U/s- 323/34, 341/34, 307/34, 379/34 & 504/34 of the IPC
Sentence Imposed	NIL
Period of Detention Undergone during Trial for purpose of section 428, CrPC.	471 Days

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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)
PW-1	Yusuf Ali	The informant himself and also father of the injured
PW-2	Rahmat Ali	Hostile witness
PW-3	Md. Shaukat Ali	Hostile witness

B. Defense Witnesses, if any :-

Rank	Name	Nature of Evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
Nil	Nil	Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :-

Sr. No.	Exhibit Number	Description
1.	Exhibit-P1/P.W.-1	The signature of the informant over the fardbayan
2	Exhibit-P2	The formal FIR

B. Defense :-

Sr. No.	Exhibit Number	Description
01.	Nil	Nil

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Present :-

**Santosh Kumar Pandey
District & Additional Sessions Judge-I,
Darbhanga.**

JUDGMENT

The accused namely **Rahul Kumar** stands charged under Sections **323/34, 341/34, 307/34, 379/34 & 504/34 of the IPC.**

The prosecution case, in brief, as unfolded in the *fardbayan* of the informant, Md. Yusuf, is as follows:

1. That on 02.05.2020 at about 7:00 PM, the son of the informant, namely Md. Rahmat Ali, left his house on a bicycle to purchase milk. It is alleged that after purchasing milk, when he reached near Lowam Chowk at about 7:30 PM, three persons riding on a white-colored *Apache* motorcycle bearing Registration No. BR-07X-1281 approached him from behind and stopped him. It is further alleged that one of the accused persons was identified as Rahul Kumar, while the other two remained unknown. One of the unknown persons allegedly caught hold of the victim, and the accused Rahul Kumar, armed with a knife, began abusing him. Upon resistance by the victim, Rahul Kumar allegedly inflicted a knife blow on the stomach of Md. Rahmat Ali, causing him to fall to the ground. Thereafter, the accused persons allegedly snatched his mobile phone and fled from the place of occurrence. Upon receiving information, the informant along with co-villagers reached the spot and shifted the injured to the hospital for treatment.

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2. On the basis of the aforesaid *fardbayan*, Sadar P.S. Case No. 178/2020 dated 05.05.2020 was instituted. The investigation was taken up by A.S.I. Shakti Kumar, who, upon completion of investigation, submitted charge-sheet against the accused. Cognizance of the offences was subsequently taken, and the accused was summoned to face trial.
3. Charges were framed against the accused under the aforementioned sections of the IPC, to which the accused pleaded not guilty and claimed to be tried.
4. The defence of the accused, in brief, is one of complete denial of the alleged occurrence and assertion of false implication.
5. In light of the rival contentions, the following point arises for determination: Whether the prosecution has been able to prove the charges levelled against the accused beyond reasonable doubt?

FINDINGS

6. In order to substantiate its case, the prosecution has examined three witnesses. P.W.-1, Md. Yusuf, is the informant and father of the injured; P.W.-2, Md. Rahmat Ali, is the injured himself; and P.W.-3, Md. Saukat Ali, is another witness to the occurrence. No other witness has been examined on behalf of the prosecution.

(i) The signature of the informant on the *fardbayan* has been marked as Exhibit-1, and the formal First Information Report has been marked as Exhibit-2.

7. P.W.-2, Md. Rahmat Ali, being the injured witness, is a material witness in the present case. He has deposed that on the date and time of occurrence, he was returning home after purchasing milk, and while crossing a bridge,

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District & Additional Sessions Judge-I, Darbhanga
Sessions Trial No. 132/2021
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certain persons surrounded him and inflicted a knife blow on his stomach, as a result of which he became unconscious. He further stated that thereafter he was taken home and subsequently to DMCH for medical treatment.

8. Significantly, this witness has failed to identify the accused persons, including the present accused, in Court. Consequently, he was declared hostile by the prosecution.
9. In his cross-examination, P.W.-2 has categorically stated that due to darkness at the place of occurrence, he could not identify the assailants. He further deposed that the person present in Court was not involved in the alleged occurrence. The witness has also stated that a compromise has been arrived at in the case.
10. Upon careful appreciation of his testimony, it appears that although P.W.-2 has supported the prosecution case to the limited extent that he sustained a stab injury on his stomach, he has failed to attribute the said injury to the present accused. His categorical statement regarding inability to identify the assailants due to darkness creates a serious dent in the prosecution case with respect to the identity of the accused.
11. P.W.-1, Md. Yusuf, the informant, has deposed that he was not present at his house at the time of the alleged occurrence. Upon returning home, he found his son in an injured condition and subsequently got him admitted to DMCH for treatment. He has further stated that his son did not disclose anything to him regarding the occurrence.
12. In his cross-examination, this witness has clearly admitted that no occurrence took place in his presence. It is noteworthy that although this witness had named the accused Rahul Kumar in the First Information

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Report, he has not stated the name of any accused person in his examination-in-chief before the Court. This omission materially affects the evidentiary value of his testimony.

13. P.W.-3, Md. Saukat Ali, has not supported the prosecution case at all and was declared hostile. He has categorically stated that he has no knowledge about the occurrence and that the police never recorded his statement.

14. Upon a careful appreciation of the evidence on record, it emerges that:

1. P.W.-2 (the injured witness) has failed to identify the accused and has not attributed the alleged act to him;
2. P.W.-1 (the informant) has also not named any accused in his deposition before the Court; and
3. P.W.-3 has not supported the prosecution case at all.

15. In such circumstances, the prosecution has failed to establish the identity and involvement of the accused in the alleged occurrence. There is no cogent or reliable evidence on record to connect the present accused with the commission of the alleged offences.

Order

In view of the discussions made hereinabove, this Court is of the considered opinion that the prosecution has failed to prove the charges under Sections 323/34, 341/34, 307/34, 379/34 and 504/34 of the Indian Penal Code against the accused, namely Rahul Kumar, beyond reasonable doubt. Accordingly, the accused Rahul Kumar is hereby acquitted of all the charges

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levelled against him. He is discharged from the liabilities of his bail bonds. Let the record be consigned to the record room in accordance with law.

Judgment pronounced in the open Court.

Dictated and corrected by me. (Santosh Kumar Pandey)

**District & Addl. Sessions Judge-I, District & Addl. Sessions Judge-I,
Darbhanga. Darbhanga.
09.04.2026 09.04.2026**

Date of Judgment	09.04.2026
Date of Reserving Judgment	18.03.2026
Uploaded Date	18.04.2026
Uploaded By	Pushkar (Stenographer)