

Court of Sessions Judge, Darbhanga.

Present :- Shri Shiv Gopal Mishra, Sessions Judge, Darbhanga,

S.T. No. 601/2025 (State Versus Naresh Yadav) हाउर क र डस @ गोलु - other  
✓ 677/2025 ✓**FORM A****IN THE COURT OF SESSIONS JUDGE**

Present:- Shri Shiv Gopal Mishra, Sessions Judge, Darbhanga

[ 9<sup>th</sup> day of March, 2026] ✓ ✓**SESSIONS TRIAL No.- 677 Of 2026 2025**

Arising out of L.N.M.U. P.S. Case No. 269 OF 2019 dated 05-09-2019

|                |  |
|----------------|--|
| INFORMANT      | State of Bihar (Through Chandan Kumar)   |
| REPRESENTED BY | Sri Chamak Lal Pandit, Learned Addl. P.P.  |
| ACCUSED        | 1.Gaurav Kumar Das @ Golu<br>2.Sanjay Kumar Mahto<br>3.Monu Thakur<br>4.Gautam Kumar |
| REPRESENTED BY | Sri Ajay Kumar Singh, Learned Advocate<br>Sri Amarnath Mandal, Learned Advocate.     |

|                                      |            |
|--------------------------------------|------------|
| Date of Offence                      | 30-08-2019 |
| Date of FIR                          | 05-09-2019 |
| Date of Charge sheet                 | 12-03-2020 |
| Date of Framing Charges              | 19-01-2026 |
| Date of commencement of evidence     | 30-01-2026 |
| Date on which judgment is reserved   | 09-03-2026 |
| Date of the Judgment                 | 09-03-2026 |
| Date of the Sentencing Order, if any | -          |

**Accused Details:**

| Rank of the accused | Name of the accused  | Date of Arrest/surrender | Date of Release on Bail | Offence Charged with                                | Whether Acquitted or convicted | Sentence Imposed | Period of Detention undergone during trial for purpose of section 428, Cr.P.C. |
|---------------------|--|--------------------------|-------------------------|---|--------------------------------|------------------|--|
| A1                  | Gaurav Kumar Das @ Golu, aged about 26 years S/o Ratan Das of Mohaila- Sundarpur Bapu Chowk. PS- L.N.M.U, District- Darbhanga. | 01-02-2020               | 22-05-2020              | 341/149, 307/149, 504/149, 506/149 & 148 of the IPC | Acquitted                      | -                | 110 days   |

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|-----|--|------------|------------|---|-----------|---|----------|
| A-2 | Sanjay Kumar Mahto, aged about 36 S/o Ashok Mahto of Mohalla- Sundarpur Bapu Chowk, PS- L.N.M.U, District- Darbhanga.      | 01-02-2020 | 22-05-2020 | 341/149, 307/149, 504/149, 506/149 & 148 of the IPC | Acquitted | - | 110 days |
| A-3 | Monu Thakur, aged about 27 years S/o Late Ashok Thakur of Mohalla- Sundarpur Bapu Chowk, PS- L.N.M.U, District- Darbhanga. | 28-01-2020 | 20-07-2020 | 341/149, 307/149, 504/149, 506/149 & 148 of the IPC | Acquitted | - | 173 days |
| A-4 | Gautam Kumar, aged about 26 years S/o Bechan Das of Mohalla- Sundarpur Bapu Chowk, PS- L.N.M.U, District- Darbhanga.       | 01-02-2020 | 22-05-2020 | 341/149, 307/149, 504/149, 506/149 & 148 of the IPC | Acquitted | - | 110 days |

**J U D G M E N T**

1. Above named accused person stands charged for the offence under sections 341/149, 307/149, 504/149, 506/149 and 148 of the IPC. The charges read over and explained to the accused person in Hindi language to which he pleaded not guilty and claimed to be tried.

2. As per FIR, the prosecution case in short is that an orchestra programme had been organized on 29-08-2019 in the night near the house of the informant. The informant was watching the said programme. The accused persons namely Nitish Mahto, Saurabh Das, Sanjay Mahto, Arjun Mahto, Bechan Das, Gautam Das, Golu and Monu Thakur were in intoxicated condition. When the informant was returning to his house, his body came in touch with the body of accused Anjay Mahto. Thereafter the accused Sanjay Mahto started hurling abuses on the informant. It has been further alleged that latter on the accused persons forcibly boarded the informant on a motorcycle and drove him to Babuchowk. There accused Sanjay Mahto assaulted him on his head with an iron rod repeatedly causing bleeding injuries. The accused Nitish Mahto gave blow on the head of the informant with Tarcheba causing bleeding injuries on his head. Thereafter the other accused persons also attacked the

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informant and assaulted him with knife and Tarcheba causing bleeding injuries on his head and other part of his body. Anyhow the informant managed to run away from the clutches of the accused person in order to save his life. The family members of the informant brought him to the DMCH where treatment was provided to the informant and the police recorded his farad-beyan.

3. On the basis of farad-beyan of the informant, L.N.M.U P.S. Case No. 269 of 2019 dated 05-09-2019 was registered against the accused persons for the offence U/Ss 341,323,307,504 and 506/34 of the IPC and investigation commenced. On completion of investigating charge-sheet bearing number 73 of 202020 dated 12-03-2020 was submitted against the accused person namely Monu Thakur, Gautam Das, Golu Das and Sanjay Mahto for offences u/s 147,148,149, 342,341,323,307, 504 and 506 of the IPC and learned C.J.M, Darbhanga took cognizance of the offence U/Ss 147, 148, 149, 342, 341, 323, 307, 504 and 506 of the IPC against accused person namely Monu Thakur, Gautam Das, Golu Das and Sanjay Das. Later on the case was committed to the Court of Sessions.

4. The statement of accused person was recorded u/s 313 Cr. P.C. The main defence of the accused persons is of complete denial of the occurrence.

5. Now, the only point for determination in this case is whether the prosecution has been able to prove the charges framed against the accused persons beyond all reasonable shadows of doubt?

FINDINGS.

6. In this case the prosecution has examined altogether 05 witnesses namely P.W.-01 Chandan Kumar, informant of this case, P.W.-02 Abhishek Yadav, P.W.-03 Randhir Kumar Sharma @ Randhir Kumar Thakur, P.W.-04 Manoj Thakur and P.W.5 is Radha Krishna Jha, formal witness.

7. In addition to oral evidence, the prosecution has also produced and proved the following documents-

Ext. P-1/PW-1 is Signature of the informant Chandan Kumar on the farad beyan.

Ext. P-1/1/ PW-1 is Signature of Abhishek Kumar on the farad beyan.

Ext. P-1/2/ PW-1 is Signature of Prahlad Kumar on the farad beyan.

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Ext.P-2/PW-5 is Formal FIR.

Ext.P-3/PW-5 is endorsement made on the farad beyan of the informant.

Ext.P-4/PW-5 is charge sheet no. 397/2019

Ext.P-5/PW-5 is charge sheet number 73/2020

Ext.P-6/PW is injury report of injured Chandan Kumar.

8. Now, I would like to discuss the evidence of prosecution witness.

**PW-1 Chandan Kumar** has stated in his examination-in-chief that the he filed this case. The occurrence took place about seven years ago at 11.00 PM in the night. He was coming from Kaidrabad and reached near Babu Chauck then accused Nitin Mahto, Saurav Das, Sanjay Mahto, Arjun Mahto, Bechan Das, Gautam Das, Golu, Monu Thakur surrounded him and started abusing and assaulting him, due to which he became injured. The people took him to the DMCH where he got treatment. The Darogaji took his statement at the DMCH upon which he put his signature. On his statement witness Abhishek Kumar and Prahlad Kumar also put their signature. This witness identifies his signature marked as Ext.P-1. He also proved signature of Abhishek Kumar and Prahlad Kumar, which are marked as Ext.P-1/1 and Ext.P-1/2. This witness has identifies accused Gautam Kumar, Monu Thakur, Golu Das and Sanjay Mahto, who are present in the court.

In his cross examination he deposed that occurrence of night is dark and there is no light at the road. He has not seen that who assaulted him. He further deposed that he was fallen on the road, due to which he sustained injury. He further deposed that he took the name of accused person on the instigation of villager. He further deposed that Darogaji has not read over the Farad beyan to him and he put his signature thereon on the instigation of Darogaji.

**PW-2 Abhishek Yadav** has stated in his examination-in-chief that Chandan Kuma is his neighbor. The occurrence took place about 7-8 years ago in 8.00 to 9.00 PM. He further deposed that accused Nitish Mahto, Sanjay Mahto, Arjun Mahto, Bechan Das, Gautam Das, Golu, Monu abused and assaulted to the informant. The injured got treatment in the hospital. He further deposed that statement of Chandan Kumar was recorded in the hospital and he also put his signature thereon. This witness has identified his statement in the said farad beyan, which is marked as Ext.P-1/1. This witness has identified accused Gautam Kumar, Monu Thakur, Golu Das and Sanjay Mahto, who are present in the Court.

In his cross examination he deposed that the occurrence of night was dark.

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There was no light in the road. He further deposed that he has not seen that who assaulted whom. He further deposed that neither he did read over the farad-beyan nor anyone read it to <sup>him</sup> ~~me~~ and he signed over it on the instigation of Darogaji. The accused persons are his villagers, so he knows them.

**PW-3 Randhir Kumar Sharma @ Randhir Kumar Thakur** has stated in his examination-in-chief that the occurrence took place about 7-8 years ago in 8.00 to 9.00 PM. He further deposed that when he reached at the place of occurrence he saw that accused Nitish Mahto, Sanjay Mahto, Arjun Mahto, Bechan Das, Gautam Das, Golu, Monu abused and assaulted to the informant. The injured got treatment in the hospital. This witness has identified accused Gautam Kumar, Monu Thakur, Golu Das and Sanjay Mahto, who are present in the Court.

In his cross examination he deposed that he has not seen the occurrence from his own eye. He heard about the occurrence, but he did not remember the name of person, who stated him about the occurrence. The accused persons are his neighbor so he knows them.

**P.W.-04 Manoj Thakur** has stated in his examination-in-chief that he knows the informant of this case namely Chandan Kumar. The occurrence took place about 6 years ago. He heard that accused Nitish Mahto, Saurav Das, Sanjay Mahto, Gutam Mahto, Bechan Das, Golu and Monu Thakur quarreled with Chandan Kumar Jha and during quarrel Chandan became injured and he got treatment in the hospital. This witness has identified accused Gautam Kumar, Monu Thakur, Golu Das, who are present in the Court and he also claims to identify other accused person, who is not present in the court.

In his cross examination he deposed that he has not seen the occurrence from his own eye. He heard about the occurrence, but he did not remember the name of person who stated about the incident. He further deposed that at the time of alleged occurrence he was at Madhubani. The accused persons are his villagers, so he knows them.

**P.W.-05 Radha Krishna Jha** has stated in his examination-in-chief that he identifies writing and signature of S.I. Pawan Kumar Singh, who was posted in the year 2019 as SHO, L.N.M.U police station. He identifies formal FIR of L.N.M.U PS Case No. 269 of 2019 in the writing of Signature of Pawan Kumar Singh, which is marked as Ext. P-2. He also identifies endorsement made by Pawan Kumar Singh on the farad beyan of informant Chandan Kumar Jha, which is marked as Ext. P-03. He

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also identifies charge sheet bearing C.S.No.397/2019 and C.S. No. 73/2020 in the writing and signature of S.I. Akhilesh Kumar Ram, which are marked as Ext. P-04 & Ext.P-05 respectively.. He also identifies writing and signature of Dr. Rajesh Kumar, who was posted in DMCH in the year 2019. He identifies injury report of injured Chandan Kumar Jha in the writing and signature of Dr. Rajesh Kumar, which is marked as Ext.P-06.

In his cross examination he deposed that S.I. Pawan Kumar Singh, Akhilesh Kumar Ram and Dr. Rajesh Kumar have not prepared these exhibits in his presence and he has no occasion to work with them. He has no knowledge these officials are alive or not and he has also no knowledge about their recent posting.

9. After perusal of evidence of prosecution it appears that the informant PW-1 Chandan Kumar Jha, himself has supported the prosecution case up to some extent. He deposed in his cross examination that the occurrence of night is dark and there is no light at the road. He has not seen that who assaulted him. He further deposed that he was fallen on the road, due to which he sustained injury. He further deposed that he took the name of accused person on the instigation of villager. He further deposed that Darogaji has not read over the Farad beyan to him and he put his signature thereon on the instigation of Darogaji. Similar PW-2 Abhishek Yadav has stated that the occurrence of night is dark and there was no light on the road, so he could not see that who assaulted whom. The PW-3 Randhir Kumar Shamma @ Randhir Kumar Thakur has stated that he has not seen the occurrence from his own eye and he heard about the occurrence. He has not remember the name of person who stated him about the occurrence. The PW-4 Manoj Thakur has also stated that he has not seen the occurrence from his own eye and he heard about the occurrence, but he has not remember the name of person, who stated about the incident. He further deposed that at the time of occurrence he was at Madhubani. The Doctor & I.O. has not been examined by the prosecution. Considering the above facts and circumstances of the case, it appears that prosecution has totally failed in proving his case and as such accused persons are liable to be acquitted.

In view of the aforesaid facts, circumstances and discussions and after hearing the argument, this court comes to the considered conclusion that the prosecution failed in establishing the guilt of accused person namely Gaurav Kumar Das @ Golu, Sanjay Kumar Mahto, Monu Thakur and Gautam Kumar for offence

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Abhishek Yadav  
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Court of Sessions Judge, Darbhanga.

Present :- Shri Shiv Gopal Mishra, Sessions Judge, Darbhanga,

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under sections 341/149, 307/149, 504/149, 506/149 and 148 of the IPC . The accused person named above are **acquitted** from the charge levelled u/s 341/149, 307/149, 504/149, 506/149 and 148 of the IPC. The accused persons are on bail and therefore the accused persons and their bailors are directed to be released of the obligation of their respective bail bonds so submitted by them before this court.

Dictated and corrected by me

*Shiv Gopal Mishra*  
(Shiv Gopal Mishra)

Sessions Judge,  
Darbhanga.  
09-03-2026

*Shiv Gopal Mishra*  
09/03/26

(Shiv Gopal Mishra)  
Sessions Judge,  
Darbhanga.  
09-03-2026.

**FORM C LIST OF PROSECUTION / DEFENCE / COURT WITNESS**

**A. Prosecution**

| RANK | NAME  | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|------|---|--|
| PW1  | Chandan Kumar                                     | Informant  |
| PW2  | Abhishek Yadav                                    | Other witnesses  |
| PW3  | Randhir Kumar Sharma<br>@ Randhir Kumar<br>Sharma | Other witnesses  |
| PW4  | Manoj Thakur                                      | Informant  |
| PW5  | Raha Krishna Jha                                  | Formal witness.  |

**B. Defence Witness, if any:**

| RANK | NAME | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|------|------|--|
| -    | NIL  | NIL  |

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## Court of Sessions Judge, Darbhanga.

Present :- Shri Shiv Gopal Mishra, Sessions Judge, Darbhanga,

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## C. Court Witness, if any:

| RANK | NAME | NATURE OF EVIDENCE<br>(EYE WITNESS, POLICE WITNESS,<br>EXPERT WITNESS, MEDICAL WITNESS,<br>PANCH WITNESS, OTHER WITNESS) |
|------|------|--|
| -    | NIL  | NIL  |



*Shiv Gopal Mishra*  
09/03/2026

Sessions Judge,  
Darbhanga.  
09-03-2026.

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

## A. Prosecution:

| Sr. No. | Exhibit Number  | Description   |
|---------|-----------------|---|
| 1.      | Ext. P-1/PW-1   | Signature of informant Chandan Kumar on the farad beyan of the informant. |
| 2.      | Ext. P-1/1/PW-1 | Signature of Abhishek Kumar on the farad beyan of the informant.          |
| 3.      | Ext. P-1/2/PW-1 | Signature of Prahlad Kumar on the farad beyan of the informant.           |
| 4.      | Ext. P-2/PW-5   | Formal FIR  |
| 5.      | Ext. P-3/PW-5   | Endorsement made on the farad beyan of the informant.                     |
| 6.      | Ext. P-4/PW-5   | Charge sheet number 397 of 2019   |
| 7.      | Ext. P-5/PW-5   | Charge sheet number 73 of 2020  |
| 8.      | Ext. P-6/PW-5   | Injury report of injured Chandan Kumar                                    |

## B. Defence:

| Sr. No. | Exhibit Number | Description |
|---------|----------------|-------------|
| 1       | NIL            | NIL         |

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Court of Sessions Judge, Darbhanga.

Present :- Shri Shiv Gopal Mishra, Sessions Judge, Darbhanga,

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C. Court Exhibits:

| Sr. No. | Exhibit Number | Description |
|---------|----------------|-------------|
| 1       | NIL            | NIL         |

D. Material Objects:

| Sr. No. | Material Object Number | Description |
|---------|------------------------|-------------|
| 1       | NIL                    | NIL         |

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