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Santosh Kumar Pandey,
District & Additional Sessions Judge-II, Darbhanga
Sessions Trial No. 684/2025
[Arising out of Pator P.S. Case No. 37/2024]
The state of Bihar versus Manoj Paswan and others
Date of Judgement : 14.08.2026

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-II DARBHANGA Santosh Kumar Pandey, District & Additional Sessions Judge-II Date of Judgment:- 14.08.2026 <u>Sessions Trial No. 684/2025</u> <u>CIS/Registration No. 684/2025</u> <u>[Arising out of Pator P.S. Case No. 37/2024]</u>	
REPRESENTED BY	Smt. Anju Kumari, Learned Additional Public Prosecutor.
ACCUSED	1. Manoj Paswan s/o Badan Paswan, 2. Sanoj Paswan s/o Ram Badan, 3. Kavindra Paswan @ Chhotu s/o Manoj Paswan, 4. Bodan Paswan s/o Late Jamun Paswan, 5. Ganeshwar Paswan s/o Late Jamun Paswan, 6. Sudhir Paswan s/o Guneshwar Paswan, 7. Anita Devi w/o Sanoj Paswan, 8. Rita Devi s/o Manoj Paswan, 9. Kabutri Devi w/o Bodan Paswan, 10. Kabutri Devi w/o Maheshwar Paswan, 11. Rasho Devi w/o Guneshwa Paswan, all are resident of Village - Jivanpatti, Police Station - Pator, District - Darbhanga.
REPRESENTED BY	Sri Neeraj Kumar Thakur, Learned Advocate.

Date of Offence	01.06.2024
Date of FIR	02.06.2024
Date of Charge-sheet	CS No.- 25/2024 Dated-30.06.2024
Date of Framing of Charges	11.02.2026
Date of Commencement of evidence	28.04.2026
Date on which judgment is reserved	22.07.2026
Date of the Judgment	14.08.2026
Date of the Sentencing Order, if any	NIL

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Accused Details:

Rank of the accused	Name of the accused	Date of Arrest	Date of Released on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for purpose of Section 428 CrPC
A1	Manoj Paswan	22.07.24	22.07.24	Section 341/34, 323/34, 308/34, 504/34 IPC	Acquitted	NIL	NIL
A2	Sanoj Paswan	22.07.24	22.07.24	Section 341/34, 323/34, 308/34, 504/34 IPC	Acquitted	NIL	NIL
A3	Kavindra Paswan @ Chhotu	22.07.24	22.07.24	Section 341/34, 323/34, 308/34, 504/34 IPC	Acquitted	NIL	NIL
A4	Bodan Paswan	22.07.24	22.07.24	Section 341/34, 323/34, 308/34, 504/34 IPC	Acquitted	NIL	NIL
A5	Ganeshwar Paswan	22.07.24	22.07.24	Section 341/34, 323/34, 308/34, 504/34 IPC	Acquitted	NIL	NIL
A6	Sudhir Paswan	22.07.24	22.07.24	Section 341/34, 323/34, 308/34, 504/34 IPC	Acquitted	NIL	NIL
A7	Anita Devi	22.07.24	22.07.24	Section 341/34, 323/34, 308/34, 504/34 IPC	Acquitted	NIL	NIL

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A8	Rita Devi	22.07.24	22.07.24	Section 341/34, 323/34, 308/34, 504/34 IPC	Acquitted	NIL	NIL
A9	Kabutri Devi w/o Bodan Paswan	22.07.24	22.07.24	Section 341/34, 323/34, 308/34, 504/34 IPC	Acquitted	NIL	NIL
A10	Kabutri Devi w/o Maheshwar Paswan	22.07.24	22.07.24	Section 341/34, 323/34, 308/34, 504/34 IPC	Acquitted	NIL	NIL
A11	Rasho Devi	22.07.24	22.07.24	Section 341/34, 323/34, 308/34, 504/34 IPC	Acquitted	NIL	NIL

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES :-

A. Prosecution

Rank	Name	Nature of Evidence (Eye-witness, Witness of last seen circumstances, Medical jurist/Medical Witness, Investigating Officer, Complainant/First Informant, Police Witness, Expert Witness, Panch Witness, Other Witness)
PW 1	Kundan Kumar @ Kundal Kumar Paswan	Other witness/alleged injured/son of the Informant.
PW 2	Lalita Devi	Other witness.
PW 3	Anita Devi	Other witness.
PW 4	Puja Kumari	Other witness.
PW 5	Kaili Devi @ Shanti Devi	The Informant

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B. Defense Witnesses, if any :-

Rank	Name	Nature of Evidence (Eye-witness, Witness of last seen circumstances, Medical jurist/Medical Witness, Investigating Officer, Complainant/First Informant, Police Witness, Expert Witness, Panch Witness, Other Witness)
Nil	Nil	Nil

C. Court Witnesses, if any :-

Rank	Name	Nature of Evidence (Eye-witness, Witness of last seen circumstances, Medical jurist/Medical Witness, Investigating Officer, Complainant/First Informant, Police Witness, Expert Witness, Panch Witness, Other Witness)
Nil	Nil	Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :-

Sr. No.	Exhibit Number	Description (Inquest Panchnama/Memo, Recovery Panchnama/Memo, Arrst Memo, Post- mortem Report, FSL Report Other exhibit)	Proved by /Attested by
NIL	NIL	NIL	NIL

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B. Defense :-

Sr. No.	Exhibit Number	Description (Inquest Panchnama/Memo, Recovery Panchnama/Memo, Arrst Memo, Post-mortem Report, FSL Report Other exhibit)	Proved by /Attested by
-	Nil	Nil	NIL

C. Court :-

Sr. No.	Exhibit Number	Description (Inquest Panchnama/Memo, Recovery Panchnama/Memo, Arrst Memo, Post-mortem Report, FSL Report Other exhibit)	Proved by /Attested by
-	NIL	NIL	NIL

Present :-

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District & Additional Sessions Judge-II,
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JUDGMENT

1. The present Sessions Trial arises out of **Pator P.S. Case No. 37 of 2024**, instituted for offences punishable under Sections **341, 323, 308 and 504 read with Section 34 of the Indian Penal Code**. The accused persons, namely, (1) **Manoj Paswan**, (2) **Sanoj Paswan**, (3) **Kavindra Paswan @ Chhotu**, (4) **Bodan Paswan**, (5) **Ganeshwar Paswan**, (6) **Sudhir Paswan**, (7) **Anita Devi**, (8) **Rita Devi**, (9) **Kabutri Devi wife of Bodan Paswan**, (10) **Kabutri Devi wife of Maheshwar Paswan**, and (11) **Rasho Devi**, have been sent up for trial on the allegation that, acting in furtherance of their common intention, they wrongfully restrained the informant and her family members, voluntarily caused injuries by assaulting them with deadly weapons, intentionally insulted them with intent to provoke a breach of the public peace, and committed an assault of such nature and under such circumstances that, had death ensued, the act would have amounted to culpable homicide not amounting to murder, thereby attracting the provisions of Section 308 of the Indian Penal Code.
2. The prosecution case, as disclosed in the written report lodged by the informant, is that on 01.06.2024 at about 2:00 P.M., her son, Kundan Kumar, had gone to a nearby pond for bathing the buffaloes. It is alleged that while he was returning home, the accused persons, namely, Manoj Paswan, Kavindra Paswan @ Chhotu, Sanoj Paswan, Bodan Paswan, Ganeshwar Paswan, Sudhir Paswan, Anita Devi, Rita Devi, Kabutri Devi (wife of Bodan Paswan), Kabutri Devi (wife of Maheshwar Paswan), and Rasho Devi, intercepted him and jointly assaulted him by means of lathis, spear, iron rod and farsa, causing, inter alia, a head injury. The prosecution further alleges that upon hearing the commotion, the informant rushed to rescue her son, whereupon accused Manoj Paswan allegedly caught hold of her hair and dragged her on the ground, while accused Sanoj Paswan allegedly pulled her saree, thereby attempting to outrage her modesty and leaving her in a semi-nude condition. On hearing the alarm raised by the victims, local villagers assembled at the place of occurrence and intervened, whereafter both the injured were taken to the Primary Health Centre, Bahadurpur for medical treatment. According to the informant, the delay in lodging the written report occurred on account of the immediate medical attention required by the injured persons. On the basis of the said written report, the present First Information Report came to be instituted.

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3. On the basis of the aforesaid written report, **Pator P.S. Case No. 37 of 2024 dated 02.06.2024** was registered under the relevant provisions of the Indian Penal Code. The investigation was entrusted to Sub-Inspector Shiv Narayan Kumar, who proceeded with the investigation in accordance with law. During the course of investigation, the Investigating Officer inspected the place of occurrence, prepared the requisite inspection notes, recorded the statements of the witnesses under Section 161 of the Code of Criminal Procedure, collected the medical and documentary evidence, and, upon finding sufficient prima facie materials against the accused persons, submitted charge-sheet against them. Thereafter, the learned Magistrate took cognizance of the offences and, after compliance with the statutory requirements, summoned the accused persons to face trial.
4. Upon their appearance before the Court, copies of the police report and all documents relied upon by the prosecution were supplied to the accused persons in strict compliance with the mandatory provisions of Section 207 of the Code of Criminal Procedure. Since the offence punishable under Section 308 of the Indian Penal Code is exclusively triable by a Court of Sessions, the learned Magistrate committed the case to this Court for trial in accordance with law. Upon hearing the learned Public Prosecutor and the learned defence counsel and after carefully examining the materials available on record, this Court found sufficient grounds for presuming that the accused persons had committed offences punishable under Sections 341, 323, 308 and 504 read with Section 34 of the Indian Penal Code. Accordingly, charges were framed against all the accused persons. The charges were read over and explained to them in the language understood by them, to which they pleaded not guilty and claimed to be tried. Consequently, the matter proceeded to trial.
5. The defence of the accused persons, as emerging from the trend of cross-examination of the prosecution witnesses and their statements recorded under Section 313 of the Code of Criminal Procedure, is one of complete denial. The accused persons have denied all the incriminating circumstances appearing in the prosecution evidence and have asserted that they have been falsely implicated on account of previous enmity. No specific defence evidence has been adduced on their behalf.

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6. In order to substantiate the charges, the prosecution examined its witnesses and proved the documentary evidence brought on record. The defence extensively cross-examined the prosecution witnesses with a view to impeach their credibility, expose material contradictions and omissions, and create reasonable doubt regarding the prosecution version. The oral and documentary evidence adduced by the parties shall now be appreciated in the light of the settled principles governing appreciation of evidence in criminal trials, wherein the prosecution is required to establish the guilt of the accused beyond all reasonable doubt.

7. In view of the pleadings of the parties, the evidence available on record, and the submissions advanced by the learned counsel appearing on either side, the following point arises for determination:

"Whether the prosecution has been able to establish, beyond all reasonable doubt, that on 01.06.2024 at about 2:00 P.M., within the jurisdiction of Pator Police Station, the accused persons, acting in furtherance of their common intention, wrongfully restrained the informant and her son, voluntarily caused hurt to them by assaulting them with deadly weapons, committed an act amounting to an attempt to commit culpable homicide not amounting to murder, and intentionally insulted them with the intent to provoke a breach of the public peace, thereby committing offences punishable under Sections 341, 323, 308 and 504 read with Section 34 of the Indian Penal Code?"

8. The aforesaid point for determination shall now be considered in the light of the oral and documentary evidence adduced by the prosecution and the defence, the statutory provisions governing the offences alleged, and the settled principles laid down by the Hon'ble Supreme Court and various High Courts regarding appreciation of evidence in criminal trials.

9. In order to substantiate the charges levelled against the accused persons, the prosecution examined altogether **five witnesses**. Their status and relevance to the prosecution case are as follows:

PW-1: Kundan Kumar @ Kundan Kumar Paswan – alleged injured witness and son of the informant;

PW-2: Lalita Devi – prosecution witness;

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PW-3: Anita Devi – prosecution witness;

PW-4: Puja Kumari – prosecution witness; and

PW-5: Kaili Devi @ Shanti Devi – the informant as well as the alleged injured witness.

10. A careful scrutiny of the evidence reveals that the prosecution case substantially rests upon the testimony of PW-1, the alleged injured witness, and PW-5, the informant and the other alleged injured witness. It is a settled principle of criminal jurisprudence that the testimony of an injured witness ordinarily carries considerable evidentiary value, as such a witness is presumed to be a natural witness to the occurrence and is not expected to falsely implicate innocent persons while shielding the actual perpetrators. Nevertheless, such testimony is not immune from judicial scrutiny and must be tested on the touchstone of consistency, credibility, and inherent reliability in the light of the entire evidence on record.
11. Apart from the oral testimony of the aforesaid witnesses, the prosecution has not adduced any documentary evidence whatsoever. Neither the injury reports nor any other documentary material has been formally proved during the course of trial. Consequently, the prosecution case rests exclusively upon the oral evidence of its witnesses.
12. Significantly, all the prosecution witnesses, namely PW-1 to PW-5, including the informant (PW-5) and the alleged injured witness (PW-1), have failed to support the prosecution case on any material aspect. Their testimony is completely inconsistent with the allegations made in the First Information Report. Although they were not formally declared hostile by the learned Public Prosecutor, the substance of their evidence unmistakably demonstrates that they have resiled from the prosecution version and have not attributed any incriminating role to any of the accused persons.
13. Since the prosecution case primarily hinges upon the evidence of the informant and the injured witness, their testimony assumes considerable significance. Undoubtedly, the evidence of an injured witness ordinarily commands great weight, for such a witness is generally regarded as a natural witness to the occurrence. However, this principle is applicable only where the testimony

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inspires confidence and is found to be cogent, consistent and trustworthy. Where the injured witness himself resiles from the prosecution case, fails to identify the assailants, or does not support the allegations made in the First Information Report, his testimony loses the evidentiary value ordinarily attached to an injured witness and cannot, by itself, form the basis of conviction.

14. Upon a careful appreciation of the evidence of PW-1 and PW-5, this Court finds that both these witnesses have materially undermined the prosecution case. PW-1, the alleged injured witness, deposed that he did not even remember the exact date or time of the occurrence. He stated that a scuffle had taken place between Amarjeet and Manoj and that when he intervened in an attempt to pacify the dispute, he sustained injuries. However, he categorically stated that he was unable to say as to who had assaulted him. He further deposed that his statement had never been recorded by the police during the course of investigation.
15. Likewise, PW-5, the informant and the other alleged injured witness, completely disowned the prosecution version by categorically stating that no occurrence, as alleged in the First Information Report, had taken place with her and that none of the accused persons had assaulted her. She further stated that her statement had also not been recorded by the Investigating Officer. Thus, the testimony of both the principal witnesses is wholly inconsistent with the prosecution case and strikes at its very foundation.

FINDINGS AND REASONS

16. Having bestowed anxious consideration to the entire oral evidence adduced by the prosecution, this Court finds that the prosecution has failed to establish the foundational facts necessary for recording the conviction of the accused persons. The entire prosecution case rests upon the testimony of the informant (PW-5) and the alleged injured witness (PW-1). However, both these witnesses have completely resiled from the prosecution story and have not attributed any overt act to any of the accused persons. Their testimony, therefore, strikes at the very root of the prosecution case and renders the substratum of the prosecution version wholly unreliable.

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17. It is true that the testimony of an injured witness ordinarily enjoys a special status in criminal jurisprudence, for an injured witness is presumed to be a natural witness to the occurrence and is not expected to falsely implicate innocent persons while allowing the real offenders to escape. Nevertheless, this rule is not absolute. Such testimony can be safely relied upon only when it inspires confidence and is found to be cogent, consistent and trustworthy. In the present case, PW-1, despite admitting that he sustained injuries during a scuffle, categorically stated that he could not say who assaulted him. His inability to identify any of the accused persons completely destroys the prosecution case regarding the identity and participation of the alleged assailants. Consequently, his evidence is of no assistance to the prosecution in establishing the guilt of the accused.
18. Equally significant is the testimony of PW-5, the informant and the other alleged injured witness. Instead of supporting the allegations contained in the First Information Report, she categorically deposed that no such occurrence had taken place with her and that none of the accused persons had assaulted her. She further explained that an altercation had taken place involving her husband, whereafter several persons assembled and, during the ensuing commotion, she sustained injuries in a stampede. She also stated that the contents of the written report were neither read over nor explained to her before obtaining her signature. Thus, the maker of the First Information Report herself has disowned the prosecution version. It is well settled that the First Information Report is not substantive evidence and can only be used for the limited purposes of corroboration or contradiction. Once its maker has not supported its contents, the allegations contained therein cannot, by themselves, constitute the basis of conviction.
19. The remaining prosecution witnesses, namely PW-2, PW-3 and PW-4, have also failed to support the prosecution case on any material particular. None of them has deposed regarding the participation of the accused persons in the alleged assault, nor have they corroborated the allegations made in the written report. Thus, the prosecution has failed to produce any reliable ocular evidence connecting the accused persons with the commission of the alleged offences.
20. Apart from the oral testimony, the prosecution has not proved any documentary evidence whatsoever. No injury report, medical evidence or any other

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documentary material has been formally exhibited to corroborate the allegations of assault. The absence of such corroborative evidence assumes significance particularly when the principal witnesses themselves have failed to support the prosecution case. In these circumstances, there remains no independent evidence capable of lending assurance to the prosecution version.

21. This Court shall now examine whether the essential ingredients of the offences charged stand established from the evidence on record.
22. To constitute an offence punishable under **Section 341 of the Indian Penal Code**, the prosecution must prove that the accused voluntarily obstructed the victim so as to prevent him or her from proceeding in a direction in which he or she had a lawful right to proceed. In the present case, there is absolutely no reliable evidence to establish that the informant or PW-1 was wrongfully restrained by any of the accused persons. Neither the informant nor the alleged injured has spoken about any such obstruction. Consequently, the essential ingredients of Section 341 IPC remain wholly unproved.
23. So far as the offence under **Section 323 IPC** is concerned, the prosecution was required to establish that hurt was voluntarily caused by the accused persons. Although PW-1 admitted that he sustained injuries, he specifically stated that he could not identify the person who assaulted him. PW-5, on the other hand, categorically denied that she was assaulted by any of the accused. In the absence of reliable evidence establishing the identity of the assailants, the prosecution has failed to prove the offence under Section 323 IPC beyond reasonable doubt.
24. The principal charge framed against the accused persons is under **Section 308 IPC**. For attracting the said provision, the prosecution must establish not only the commission of an overt act but also that such act was committed with the intention or knowledge that, had death been caused, the accused would have been guilty of culpable homicide not amounting to murder. Since the prosecution has utterly failed to establish that the accused persons were the perpetrators of the alleged assault itself, the question of examining the requisite intention or knowledge does not arise. The very foundation for invoking Section 308 IPC is thus absent.

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25. Likewise, the offence under **Section 504 IPC** requires proof of intentional insult coupled with the intention or knowledge that such insult would provoke the victim to break the public peace or commit any other offence. None of the prosecution witnesses has deposed regarding any abusive language, intentional insult or provocation attributable to any of the accused persons. Therefore, the prosecution has also failed to establish the ingredients of Section 504 IPC.
26. The prosecution has further invoked **Section 34 IPC** alleging that all the accused persons acted in furtherance of their common intention. However, Section 34 does not create an independent offence but embodies the principle of joint liability. Before the said provision can be invoked, the prosecution must first establish the participation of each accused in the commission of the criminal act and the existence of a pre-arranged plan or common intention. Since the prosecution has failed to establish the participation of any of the accused persons in the alleged occurrence, the question of fastening constructive liability under Section 34 IPC does not arise.
27. It is a settled canon of criminal jurisprudence that the prosecution must succeed on the strength of its own evidence and cannot derive advantage from any weakness in the defence. The burden of proving the guilt of the accused rests exclusively upon the prosecution throughout the trial and never shifts. The accused continue to enjoy the presumption of innocence unless the prosecution succeeds in proving every essential ingredient of the offences beyond all reasonable doubt. Where the evidence gives rise to two possible views, the one favourable to the accused must necessarily prevail. Suspicion, however grave, can never substitute legal proof.
28. In the present case, the evidence adduced by the prosecution, when appreciated as a whole, falls far short of the standard required for recording a conviction. The star witnesses have completely disowned the prosecution case; the alleged injured has failed to identify the assailants; the informant has denied the occurrence as alleged in the First Information Report; the remaining witnesses have not supported the prosecution version; and there is no documentary evidence to corroborate the allegations. Consequently, serious and reasonable doubt arises regarding the very occurrence and the involvement of the accused persons.

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29. This Court, therefore, has no hesitation in holding that the prosecution has failed to establish beyond all reasonable doubt that the accused persons, acting in furtherance of their common intention, wrongfully restrained the informant and PW-1, voluntarily caused hurt to them, committed an act amounting to an attempt to commit culpable homicide not amounting to murder, or intentionally insulted them so as to provoke a breach of the public peace. The essential ingredients of the offences punishable under **Sections 341, 323, 308 and 504 read with Section 34 of the Indian Penal Code** have remained unproved.

ORDER

30. In view of the foregoing discussion and the findings recorded hereinabove, this Court is of the considered opinion that the prosecution has failed to prove the charges framed against the accused persons beyond all reasonable doubt. Accordingly, the accused persons, namely **(1) Manoj Paswan, (2) Sanoj Paswan, (3) Kavindra Paswan @ Chhotu, (4) Bodan Paswan, (5) Ganeshwar Paswan, (6) Sudhir Paswan, (7) Anita Devi, (8) Rita Devi, (9) Kabutri Devi wife of Bodan Paswan, (10) Kabutri Devi wife of Maheshwar Paswan and (11) Rasho Devi**, are hereby **acquitted** of the charges punishable under **Sections 341, 323, 308 and 504 read with Section 34 of the Indian Penal Code**, by extending to them the **benefit of reasonable doubt**.
31. The accused persons are on bail. Their bail bonds stand cancelled and the sureties are discharged from their respective liabilities.
32. The office is directed to communicate this judgment to the concerned authorities and thereafter consign the record to the Record Room in due course.

Judgment pronounced in the open Court.

Dictated and corrected by me.

(Santosh Kumar Pandey)
Additional Sessions Judge - II,
Darbhanga
14.08.2026

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