

In the Court of Dist. & Addl. Sessions Judge-I, Benipur (Darbhanga)  
Present:- Sri Rishi Gupta, D.&.A.J.-I,  
State vs. Mahesh Tanti & ors.  
In Bahera P.S. Case No. 323/22

|                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>In the court of Dist. &amp; Additional Sessions Judge-I</u></b><br><b><u>Benipur (Darbhanga)</u></b><br><b>Present - Sri Rishi Gupta</b><br>Session Trial number- 33/ 2024<br>CIS No. 33/2024<br>Bahera PS case number 323/2022<br>Cognizance - under section 341, 323, 307, 448, 354, 504/34 of IPC<br>Charge- under section 341/34, 323/34, 307/34, 448/34, 354/34, 504/34 of IPC |                                                                                                                                                                                                                                                                                                                               |
| Prosecution                                                                                                                                                                                                                                                                                                                                                                               | State of Bihar (through – Jagtaran Devi)                                                                                                                                                                                                                                                                                      |
| Represented by-                                                                                                                                                                                                                                                                                                                                                                           | Learned Addl. P.P.                                                                                                                                                                                                                                                                                                            |
| Accused                                                                                                                                                                                                                                                                                                                                                                                   | (A1) Banwali Tanti, age 65 years,<br>S/o- Late Bhavi Tanti<br>(A2) Mahesh Tanti, age 48 years,<br>S/o- Banwali Tanti<br>(A3) Ranju Devi, age 40 years,<br>W/o- Arun Tanti<br>(A4) Asha Devi, age 40 years,<br>W/o- Ganesh Tanti<br>All resident of Village- Panchu Patti Chire,<br>Police Station- Bahera, Distt.- Darbhanga. |
| Represented by                                                                                                                                                                                                                                                                                                                                                                            | , Ld. Advocate                                                                                                                                                                                                                                                                                                                |

|                                      |            |
|--------------------------------------|------------|
| Date of offence                      | 12-07-2022 |
| Date of FIR                          | 21-07-2022 |
| Date of Chargesheet                  | 31-07-2023 |
| Date of framing of Charge            | 27-05-2024 |
| Date of commencement of evidence     | 12-07-2024 |
| Date on which Judgement is reserved  | 18-07-2026 |
| Date of Judgement                    | 30-07-2026 |
| Date of the sentencing order(if any) | NA         |

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List of Prosecution/Defence/Court Witnesses

A. Prosecution

| Rank | Name          | Nature of Evidence( eye witness po-<br>lice fitness expert witness medical<br>witness other witnesses) |
|------|---------------|--------------------------------------------------------------------------------------------------------|
| PW 1 | Babilta Devi  | -----                                                                                                  |
| PW 2 | Jagtaran Devi | Informant                                                                                              |
| PW 3 | Jamahar Tanti | Hostile                                                                                                |
| PW 4 | Harihar Tanti | -----                                                                                                  |

B. Defence Witnesses, if any:

| Rank | Name | Nature of Evidence |
|------|------|--------------------|
| None | None | N/A                |

C. Court Witnesses, if any:

| Rank | Name | Nature of Evidence |
|------|------|--------------------|
| None | None | N/A                |

List of Prosecution/Defence/Court Exhibits

A. Prosecution:

| Sr No | Exhibit Number | Description                                       |
|-------|----------------|---------------------------------------------------|
| 1.    | Exhibit-1      | Signature of informant’s husband on<br>fardbeyan. |

B. Defence:

| Sr No | Exhibit Number | Description |
|-------|----------------|-------------|
|       | None           | None        |

C. Court Exhibits

| Sr. No. | Exhibit Number | Description |
|---------|----------------|-------------|
|         | None           | None        |

D. Material Objects:

| Sr. No. | Material Object Number | Description |
|---------|------------------------|-------------|
|         | None                   | None        |

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### **Judgement**

1. The above named accused persons have been prosecuted for having committed offences punishable under sections 341/34, 323/34, 307/34, 448/34, 354/34, 504/34 of Indian Penal Code (hereinafter referred as IPC). The prosecution case as stated by informant Jagtaran Devi in her fardbeyan is that on dated 12.07.2022, informant's neighbor Mahesh Tanti and his family members entered into the house of informant, uproot the household and said that this is his land. That on said dispute, informant's family gave a written application to police station. That at 11:00 AM in morning, accused persons 1.Mahesh Tanti, 2.Dharmendra Tanti, 3.Soman Tanti, 4.Banwali Tanti, 5.Newalal Tanti, 6.Shobha Devi, 7.Arti Devi, 8.Asha Devi, 9.Ranju Devi, 10.Laldai Devi and 11.Rajiya Devi carrying lathi, Dabiya, farsa, rod etc entered into the house of informant and started to abuse. That accused Banwali Tanti ordered to kill all of them, uproot the household and throw them out of the house. That when informant objected the same, accused Mahesh Tanti assaulted with farsa on the head of informant due to which she got injured, started to bleed and fell down. That when informant's daughter-in-law and informant's husband came to save her, accused Soman Devi assaulted with farsa on the head of informant's daughter-in-law due to which she got injured. That all accused persons assaulted the informant's husband due to which he got injured. That accused Dharmendra Tanti assaulted with tengari on the hand of informant due to which her hand got injured. That accused Ranju Devi snatched gold chain from the informant's daughter-in-law. That the family members admitted the injured at PHC, Bahera from where injured were referred to DMCH, Darbhanga.
2. On the basis of aforesaid application given to police, Bahera PS case number 323/2022 was registered U/Ss 341, 323, 307, 448, 379, 354, 34 of IPC against 11 accused persons namely 1.Mahesh Tanti, 2.Dharmendra Tanti, 3.Sonam Tanti, 4.Banwali Tanti, 5.Newalal Tanti, 6.Shobha Devi, 7.Arti Devi, 8.Asha Devi, 9.Ranju Devi, 10.Laldai Devi and 11.Rajiya Devi. That the investigation was carried out and charge sheet bearing No. 568/2023 was submitted by the investigating officer on 31.07.2023 against 04 accused persons namely Mahesh Tanti, Banwali Tanti, Asha Devi and Ranju Devi while name of rest persons were not sent up. That the Ld. A.C.J.M., Benipur has taken cognizance for the offences under sections 341, 323, 307, 448, 354, 504/34 of IPC by its order dt. 19.08.2023 against charge-sheeted accused persons. That on 14.12.2023, the case was committed to the court of Ld. Court of Sessions, Darbhanga. That the present

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case record has been received to this court on 19.01.2024 for trial and disposal. That on dated 27.05.2024 charges have been framed for commission of offences punishable U/Ss 341/34, 323/34, 307/34, 448/34, 354/34, 504/34 of IPC against charge-sheeted accused persons. The contents of charges were read over and explained to the accused persons in Hindi to which they pleaded not guilty and claim to be tried.

3. Prosecution in support of the case has examined the following witnesses.

Prosecution witnesses

| Rank | Name          | Nature of Evidence( eye witness<br>police fitness expert witness<br>medical witness other witnesses) |
|------|---------------|------------------------------------------------------------------------------------------------------|
| PW 1 | Babilta Devi  | -----                                                                                                |
| PW 2 | Jagtaran Devi | Informant                                                                                            |
| PW 3 | Jamahar Tanti | Hostile                                                                                              |
| PW 4 | Harihar Tanti | -----                                                                                                |

Prosecution exhibits:-

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4. The statements of 04 accused persons were recorded under section 313 CRPC in which they claimed to be innocent. The defence has not adduced any evidence.
5. Now the point for determination is whether the prosecution has been successful in proving charges against accused persons beyond all reasonable doubts.

**Findings**

6. Prosecution in support of its case has examined only 04 witnesses.

PW 1 Babilta Devi deposed in her examination-in-chief that at around 02:30-3 PM when she was at her home, accused persons entered there and attacked on her mother-in-law Jagtaran Devi. That Mahesh Tanti attacked on Jagtaran Devi due to which her head got injured. That when she intervened, accused So-

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man Tanti attacked on her with farsa and injured her. That accused persons also attacked on Harihar Tanti and injured him. That injured persons went to Bahera Police Station and were treated in DMCH, Darbhanga. She identified accused Ranju Devi who was present before court that day and said that she would identify all accused persons.

During the course of cross-examination, she deposed in Para 11 that she can not tell about day, date or month of the occurrence. In Para 12, she deposed that many persons gathered at the place of occurrence and she could not see which accused person was carrying which weapon. That she cannot tell that how she and other injured got injuries. In Para 16, she deposed that she identified accused persons being co-villagers.

7. PW 2 Jagtaran Devi deposed in his examination-in-chief that she is informant of this case. That the occurrence took place at around 11:00 AM. That accused persons beat her and also injured Babita Devi. That injured were taken to Bahera Hospital and from where they were referred to DMCH, Darbhanga. That police took her fardbeyan in Darbhanga Hospital and once again after few days of occurrence. She identified accused Banwari Das and Asha Devi who were present before court that day.

During her cross-examination, she deposed that around 40-50 persons gathered in her courtyard. That due to high rush, she, her husband and her daughter-in-law fell down and got injured. That no one beat her. That she did not saw any weapon in the hand of any accused. In Para 4, she deposed that accused Asha Devi also filed a case against her and the same has been settled. That accused persons are her relatives and she does want to contest this case.

8. PW 3 Jamahar Tanti deposed in his examination-in-chief that he had no knowledge about the incident. That police did not record any of his statement. That after this, on request of Public Prosecutor, the witness was declared hostile after which counsel of State as well as counsel of defence cross-examined the witness.
9. PW 4 Harihar Tanti deposed in his examination-in-chief that informant Jagtaran Devi is his wife. That due to land dispute, accused persons entered in their house and beat them. That accused persons also injured them. That injured were taken to Bahera Hospital and from there injured Jagtaran Devi and Bibha Devi were referred to DMCH, Darbhanga. That in DMCH, Darbhanga itself, his wife gave her

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fardebayan on which he also made his signature as witness, after which the same was marked as P-1/P.W.-4. He identified accused Asha Devi who was present before court that day and said that he can identify other accused persons too.

During the course of cross-examination, he deposed that accused persons are his relatives. That due to land dispute 40-50 persons entered in their house and due to slippery floor, he and his family members fell down and got injured. That he could not see that which accused persons was carrying which weapon. In Para 4, he deposed that police never took his statement and that there is no dispute between him and accused persons.

10. The prosecution has argued that the prosecution has been successful in proving charges against the accused persons while the defence has argued that the prosecution has completely failed to prove charges against the accused persons.
11. That in this case, 04 witnesses. That PW 3 Jamahar Tanti turned hostile and nothing relevant could be deduced from his respective deposition.
12. PW 1 Babilta Devi supported the story of prosecution in her examination-in-chief up to an extent as she mentioned that the occurrence took place at 02:30-3 PM. During her cross-examination, she deposed that she is unable to tell the day, date or month of the occurrence. That she did not see that which accused person was carrying which weapon and was unable to tell that how injured persons got injury. She further deposed that she identify accused persons as she is a co-villager. So, clearly her version did not establish the alleged occurrence.
13. PW 2 Jagtaran Devi who stands as informant of this case, supported the story of prosecution in her examination-in-chief, but during her cross-examination she deposed that around 40-50 persons gathered in her courtyard and due to high rush, she, her husband and her daughter-in-law slipped and got injured. That she did not see any weapon in the hand of any accused. That accused persons also filed a counter case against them and the same has been settled.

From perusal of version of this witness, it appears that she did not even identify the accused persons and said that high rush gathered there nor she saw any weapon in the hand of any accused, though she was an informant. She specifically stated that accused persons of this case, filed a counter case and the same has been settled, which appears to be reason of not giving evidence against accused persons of this case. So, version of this witness does not inspire

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confidence.

14. PW 4 Harihar Tanti supported the version of prosecution in his examination-in-chief and identified his signature on fardbeyan, but during his cross-examination, he said that 40-50 persons gathered his house and due to slippery floor he and his family members fell down and got injured. That he did not see any weapon in the hand of any accused. That the police did not took his statement. That he identify accused persons of this case being a relative.

That this witness was also an important witness as he allegedly made his signature on the fardbeyan of the informant. This witness during cross-examination denied any occurrence of beating and did not identify any accused as assailants. Further, as he specifically deposed that police also did not recorded his statement, this witness also did not inspire confidence.

15. Needless to mention that in a criminal case, identity of an accused is very crucial and if identity could not be established, case of prosecution could not be relied upon. Further that to substantiate the case of prosecution, the witness produced are required to support the case of prosecution, but in this case apparently the witnesses who appeared before court, could not support story of prosecution. That no other witness was produced by prosecution despite of taking so many chances. That it is set principle of law that the prosecution shall stand on its own legs and when the evidence produced did not support story of prosecution during his cross-examination, the prosecution itself totally fails. Thus there is no evidence on the record to prove that the accused persons committed the alleged offences.

16. On the basis of discussion made above, this court comes to the finding that the prosecution has completely failed to prove charges for commission of offence punishable under section 341/34, 323/34, 307/34, 448/34, 354/34, 504/34 of IPC against the both accused persons namely Banwali Tanti, Mahesh Tanti, Ranju Devi and Asha Devi,

### **Order**

The accused persons namely (A1) Banwali Tanti, age 65 years, S/o- Late Bhavi Tanti, (A2) Mahesh Tanti, age 48 years, S/o- Banwali Tanti, (A3) Ranju Devi, age 40 years, W/o- Arun Tanti and (A4) Asha Devi, age 40 years, W/o- Ganesh Tanti All resident of Village- Panchu Patti Chire, Police Station- Bahera, Distt.- Darb-

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hanga are accordingly acquitted of charges for commission of offences punishable under sections 341/34, 323/34, 307/34, 448/34, 354/34, 504/34 of IPC. Since the accused persons are on bail, they and their sureties are hereby discharged from their respective liabilities under the bail bond.

Judgement corrected by me and pronounced by me in open court.

Place

Date

( Rishi Gupta )  
Additional Sessions Judge-I, Benipur

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Appendix of evidence

Prosecution evidence

| Rank | Name          | Nature of Evidence( eye witness<br>police fitness expert witness<br>medical witness other witnesses) |
|------|---------------|------------------------------------------------------------------------------------------------------|
| PW 1 | Babilta Devi  | -----                                                                                                |
| PW 2 | Jagtaran Devi | Informant                                                                                            |
| PW 3 | Jamahar Tanti | Hostile                                                                                              |
| PW 4 | Harihar Tanti | -----                                                                                                |

Prosecution exhibits:-

| Sr No | Exhibit Number | Description                                    |
|-------|----------------|------------------------------------------------|
| 1.    | Exhibit-1      | Signature of informant's husband on fardbeyan. |

Place  
Date.

( Rishi Gupta)  
Additional Sessions judge-I Benipur

|                                     |                                  |
|-------------------------------------|----------------------------------|
| Date on which Judgement is reserved | 18-07-2026                       |
| Date of Judgement                   | 30-07-2026                       |
| Uploading Date                      | 31-07-2026                       |
| Uploaded by                         | Lav Kumar, Court Reader cum D.W. |