

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE Ist,
Benipur, Darbhanga**

Present:- Madhwendra Singh
Addl. Sessions Judge Ist
Benipur, Darbhanga
Benipur, dated 18th day of March, 2026.

SESSIONS TRIAL NO. 80 OF 2020

State of Bihar (Through Informant Laxmi Devi)

Vs

1. Kundan Kumar Jha alias Bambam Jha S/o- Jagarnath Jha
2. Raman Devi W/o- Jagarnath Jha
3. Mani Kumari D/o- Jagarnath Jha
4. Jagarnath Jha S/o- Late Shyam Sundar Jha.

All Resident of village- Tumaul, PS- Bahera, Distt.- Darbhanga.

..... Accused Persons

(This Sessions case arises out of Bahera P.S. Case No. 504/2015 dated 01-11-2015 U/Ss 341, 342, 323, 324, 504, 506, 379, 34 of IPC.)

Counsel for the prosecution : Sri Jagannath Sahu, A.P.P.

Counsel for the defence : Sri KD Jha, Adv.

Order (u/s 232 of the Code of Criminal Procedure)

Dated: 18.03.2026

1. Attendance has been filed on behalf of aforementioned accused persons and they are present in person before the court.
2. The case records reveals that the present case has been committed qua 4 accused persons namely Kundan Kumar alias Babam, Raman Devi, Mani Kumari and Jagarnath Jha who have been prosecuted for the offences committed U/Ss 323, 341, 342, 308, 504, 506/34 of IPC.

3. The present case has been lodged on the basis of written application of informant namely Laxmi Devi. The case of the prosecution in brief is that Kundan Jha alias Bambam Jha assaulted son of informant with iron rod. Further the accused persons named in the FIR abused informant's son and tied rope around his neck with intention of killing. When informant came to rescue her son then accused persons have also assaulted her with bricks. After that the injured were taken to Benipur Hospital from where they referred to DMCH. During assault accused persons taken Rs. 1200/- and a gold earring worth of Rs. 15000/-. On the basis of aforementioned information the police has registered Bahera PS case No. 504/2015 dt. 01.11.2015 for the offences u/s 341, 342, 323, 324, 504, 506, 379, 34 of IPC against 4 accused persons.

4. The police after completion of its investigation has submitted charge-sheet No. 658/15 dt. 31.12.2015 against all 4 accused persons. After that the Ld. Magistrate has taken cognizance and committed the present case to the Court of Sessions Judge and after subsequent transfers the present case has been received to this Court on 15.07.2021 from the Court of Ld. Addl. Sessions Judge-II, Benipur at the stage of appearance.

5. From perusal of the case recors it appears that charges were framed on 20.12.2021 against all 4 accused persons u/s 323, 341, 342, 308, 504, 506/34 of IPC. The contents of charges were read over and explained to accused persons in Hindi to which they pleaded not guilty and claimed to be tried. Thereafter the present case has been fixed at the stage of prosecution evidence.

6. The Ld. Counsel for defence has submitted before the court that the present case has been instituted in the year 2015. The charges have been framed against the accused on 20.12.2021 and next date fixed in this case on 04.02.2022 for prosecution evidence. After framing of charge to till date the prosecution has not produced any witnesses before the court. He has further submitted that the present case is pending for evidence for more than four years and it does not seem that in near future the prosecution would bring any evidence before the court. Therefore under the circumstances he has prayed to acquit the accused persons under section 232 of Cr.P.C. as the present case is a case of no evidence.

7. The Ld. APP appearing on behalf of State has submitted before the court that for obtaining the presence of witnesses in the present case he has made all

efforts. He further submits that the processes have also been issued against the witnesses of the present case but till date no witnesses have turned up before the court. He has submitted that despite making all efforts, no witnesses have turned up before the court, therefore appropriate order may be passed in this case.

8. Heard the submissions made at bar and perused the case records of the present case. In order to prove its case, the prosecution was provided ample opportunity to produce its witnesses but despite issuance of summons and Bailable warrants when no witness has appeared before the court then this court has ordered to NBW against the non official witnesses of this case by this Court's order dt. 19.08.2025 which has been issued on 19.09.2025. When no witnesses had been produced by the prosecution then this Court has issued Dasti Summons to witnesses on 30.10.2025. Further this court has also issued DO letter by this court's order dt. 22.12.2025 which has been issued through Letter No. 46/26 dt. 17.01.2026. Thereafter a last chance has been given to prosecution for producing its witnesses before the court on 23.02.2026 and fixed this case on 10.03.2026. On 10.03.2026 again the prosecution has not produced any witnesses before this court and fairly submitted before the court that he had made all its effort for producing witnesses before the court but no witnesses have turned up before the court. Therefore the court has no other option but to close the prosecution evidence and accordingly on 10.03.2026 this court has closed the prosecution evidence and proceed further in this case as after lapse of more than four years the prosecution has not brought any evidence before the court to prove the guilt of the accused persons. The FIR of the present case has been lodged in the year 2015 and as per Hon'ble Apex Court and Patna High Court as well, such an old cases must be dealt with on top priority basis as such, this court has left no option but to proceed further. Since no incriminating evidence whatsoever has come on record against the accused, recording of statement under section 313 Cr.P.C. was dispensed with.

9. After having gone through the documents and materials available on record as well as after hearing Ld. Counsels appearing on behalf of the accused as well as on behalf of the state, this Court finds that despite sufficient opportunities being granted, the prosecution failed to produce any witness in support of its case. No material witness, including the informant or the alleged victim, was examined. There is no oral or documentary evidence on record to connect the accused with the alleged offence. Thus, there is a complete

absence of evidence against the accused. Conviction cannot be based on conjectures, surmises, or unsubstantiated allegations. In the absence of any evidence, the prosecution has miserably failed to establish the guilt of accused persons. The cardinal principle of criminal law cannot be forgotten that the prosecution has to prove the case against accused persons beyond reasonable doubt. The standard of proof is not preponderance of probabilities but proof beyond reasonable doubt. Under the circumstances, the accused persons who are facing trial in the present case are liable to be acquitted. It is therefore,

ordered:-

10. that accused persons namely Kundan Kumar Jha alias Bambam Jha S/o- Jagarnath Jha, Raman Devi W/o- Jagarnath Jha, Mani Kumari D/o- Jagarnath Jha and Jagarnath Jha S/o- Late Shyam Sundar Jha, All Resident of village- Tumaul, PS- Bahera, Distt.- Darbhanga, are acquitted from the charges of offences punishable U/Ss 323, 341, 342, 308, 504, 506/34 of IPC. Since, all the accused persons are on bail, hence, they and their bailors are discharged from the liability of their respective bail bonds. O/C is directed to submit the case records of the present case to the record room as per rule.

(Dictated, Corrected and pronounced by me in open court)

(Madhwendra Singh)
Additional Sessions Judge-I,
Benipur, Darbhanga
18.03.2026

(Madhwendra Singh)
Additional Sessions Judge-I,
Benipur, Darbhanga.
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