

Present - Sri Rishi Gupta

CIS No. 275/2024

Cognizance - under section 143, 341, 323, 308, 354B, 504, 427, 447/34 of IPC
Charge- under section 143/34, 323/34, 341/34, 308/34, 447/34, 504/34, 427/34, 354(B) of IPC

Prosecution	State of Bihar (through – Asha Devi)
Represented by-	Learned App Smt. Punam Jha
Accused	(A1) Rinku Devi, age 35 years, W/o- Ram Lal Mandal (A2) Ram Lal Mandal, age 40 years, S/o- Ramjivan Mandal Both resident of Village- Shankar Lohar, Po- lice Station- Baheri, Distt.- Darbhanga. (A3) Sudhira Devi, age 35 years, W/o- Arun Mandal (A4) Arun Mandal, age 40 years, S/o- Raj Kumar Mandal Both (A3 to A4) resident of Village- Kutti Tole, Police Station- Baheri, Distt.- Darb- hanga. (A5) Rani Devi, age 25 years, W/o- Shankar Mandal (A6) Shankar Mandal, age 32 years, S/o- Dinesh Mandal (A7) Saroj Mandal, age 30 years, S/o- Dinesh Mandal (A8) Budhni Dei @ Buchni Devi, age 60 years (A5 to A8) resident of Village- Jakouli, Police Station- Bahera, Distt.- Darbhanga.
Represented by	Sri , Ld. Advocate

In the Court of Dist. & Addl. Sessions Judge-I, Benipur (Darbhanga)
Present:- Sri Rishi Gupta, D.&.A.J.-I,
State vs. Dinesh Mandal & ors.
In Bahera P.S. Case No. 376/23

Date of offence	15-09-2023
Date of FIR	23-09-2023
Date of Chargesheet	04-11-2023
Date of framing of Charge	25-10-2024
Date of commencement of evidence	04-12-2024
Date on which Judgement is reserved	04-04-2026
Date of Judgement	06-04-2026
Date of the sentencing order(if any)	NA

List of Prosecution/Defence/Court Witnesses

A. Prosecution

Rank	Name	Nature of Evidence(eye witness po- lice fitness expert witness medical witness other witnesses)
PW 1	Asha Devi	Informant
PW 2	Tulsi Kumari	-----

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 on written ap- plication given to police.

B. Defence:

Sr No	Exhibit Number	Description
	None	None

C. Court Exhibits

In the Court of Dist. & Addl. Sessions Judge-I, Benipur (Darbhanga)
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Sr. No.	Exhibit Number	Description
	None	None

D. Material Objects:

Sr. No.	Material Object Number	Description
	None	None

Judgement

1. The above named accused persons have been prosecuted for having committed offences punishable under sections 143/34, 323/34, 341/34, 308/34, 447/34, 504/34, 427/34, 354(B) of Indian Penal Code (hereinafter referred as IPC). The prosecution case as stated in written application filed by informant Asha Devi is that on dated 15.09.2023 at around 7:30 AM, informant was washing utensils at her hand-pump. That accused person Dinesh Mandal came there and started abusing the informant. That then accused Sudhira Devi, Rinku Devi, Ram Lal Mandal, Rani Kumari, Budhani Devi, Shankar Mandal, Saroj Mandal and Arun Mandal carrying lathi-danda entered into informant's courtyard. That accused Dinesh Mandal attacked with rod on the informant's head due to which her head got injured. That all accused persons attacked with lathi, fits and kicks. That all accused persons pulled the informant's saree and started to beat her. That accused Saroj Mandal torned informant's blouse. That when informant's daughter came to save the informant, all accused persons beat her also. That accused Budhani Devi snatched gold chain worth Rs. 1,00,000/- from the neck of informant. That all accused persons entered into the house of informant and vandalized everything, caused a loss Rs. 50,000/-. That the injured persons were taken to the Bahera Hospital. That panchayat was not held.
2. On the basis of aforesaid application given to police, Bahera PS case number 376/2023 was registered U/Ss 143, 341, 323, 379, 308, 354(B), 504, 427, 447, 34 of IPC against 09 accused persons namely 1.Sudhira Devi, 2.Rinku Devi, 3.Ram Lal Mandal, 4.Rani Kumari, 5.Budhani Devi, 6.Dinesh Mandal, 7.Shankar Mandal, 8.Saroj Mandal and 9.Arun Mandal. That the investigation was carried out and charge sheet bearing No. 741/2023 was submitted by the investigating officer on 04.11.2023 against 09 accused persons namely 1.Sudhira Devi, 2.Rinku Devi, 3.Ram Lal Mandal, 4.Rani Kumari, 5.Budhani Devi, 6.Dinesh Man-

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dal, 7.Shankar Mandal, 8.Saroj Mandal and 9.Arun Mandal. That the Ld. A.C.J.M., Benipur has taken cognizance for the offences under sections 143, 341, 323, 308, 354B, 504, 427, 447/34 of IPC by its order dt. 12.12.2023 against charge-sheeted accused persons. That on 10.06.2024, the case was committed to the court of Ld. Court of Sessions, Darbhanga. That the present case record has been received to this court on 12.06.2024 for trial and disposal. That on dated 25.10.2024 charges have been framed for commission of offences punishable U/Ss 143/34, 323/34, 341/34, 308/34,447/34, 504/34, 427/34, 354(B) of IPC against 09 accused persons namely 1.Sudhira Devi, 2.Rinku Devi, 3.Ram Lal Mandal, 4.Rani Kumari, 5.Budhani Devi, 6.Dinesh Mandal, 7.Shankar Mandal, 8.Saroj Mandal and 9.Arun Mandal. 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. That during the trial 01 accused person namely Dinesh Mandal had been died and his name has been expunged by this court's order dated 12.03.2026.

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

Prosecution witnesses

Rank	Name	Nature of Evidence(eye witness police fitness expert witness medical witness other witnesses)
PW 1	Asha Devi	Informant
PW 2	Tulsi Kumari	----

Prosecution exhibits:-

Sr No	Exhibit Number	Description
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4. The statements of all 08 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.

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Findings

6. Prosecution in support of its case has examined only 02 witnesses.

PW 1 Asha Devi who stands as informant of this case, deposed before court that when she was washing her utensils, at his home, near hand-pump, all accused persons viz Dinesh Mandal, Budhani Devi, Shankar Mandal, Arun Kumar, Sudhira Devi, Ram Lal Mandal and Rinku Devi reached there and started to abuse her. That all accused persons also beat her due to which she got injured. That she was then taken to PHC Bahera for treatment. She identified her signature on written application and the same was marked as P-1/PW-1. She also identified accused Dinesh Mandal who was present before court that day.

During cross-examination, she deposed that accused Dinesh Mandal also filed a case against her and her family members. In Para 5, she deposed that she could see that which accused persons assaulted with which weapon. That she identified all accused persons being co-villager. That due to rush, she could not see which accused pulled her saree.

7. PW 2 Tulshi Kumari deposed in her examination-in-chief that she is daughter of informant Asha Devi. That when her mother was washing utensils, all 09 accused persons reached there and abused and beat her. That her mother got injured and was taken to PHC Bahera. She identified accused Shankar Mandal who was present before court that day.

During cross-examination, she deposed that accused persons also filed a case against her father and mother and the same has been settled. In Para 4, she deposed that she could not see which accused persons beat her mother, nor she was aware that who pulled saree of her mother. That at the time of occurrence, lot of persons gathered there due to which she could not see assailants.

8. 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.
9. That in this case, 02 witnesses were examined and discharged. That both of the witnesses alleged that the occurrence did take place, but no one could identify the assailants. Needless to mention that in a criminal case, identity of 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 appar-

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ently 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.

10. 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 143/34, 323/34, 341/34, 308/34, 447/34, 504/34, 427/34, 354(B) of IPC against the 08 accused persons namely Rinku Devi, Ram Lal Mandal, Sudhira Devi, Arun Mandal, Rani Devi, Shankar Mandal, Saroj Mandal and Budhni Dei @ Buchni Devi.

Order

The accused persons namely (A1) Rinku Devi, age 35 years, W/o- Ram Lal Mandal, (A2) Ram Lal Mandal, age 40 years, S/o- Ramjivan Mandal, Both resident of Village- Shankar Lohar, Police Station- Baheri, Distt.- Darbhanga, (A3) Sudhira Devi, age 35 years, W/o- Arun Mandal, (A4) Arun Mandal, age 40 years, S/o- Raj Kumar Mandal, Both (A3 to A4) resident of Village- Kutti Tole, Police Station- Baheri, Distt.- Darbhanga, (A5) Rani Devi, age 25 years, W/o- Shankar Mandal, (A6) Shankar Mandal, age 32 years, S/o- Dinesh Mandal, (A7) Saroj Mandal, age 30 years, S/o- Dinesh Mandal, (A8) Budhni Dei @ Buchni Devi, age 60 years, (A5 to A8) resident of Village- Jakouli, Police Station- Bahera, Distt.- Darbhanga. are accordingly acquitted of charges for commission of offences punishable under sections 143/34, 323/34, 341/34, 308/34, 447/34, 504/34, 427/34, 354(B) 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 police fitness expert witness medical witness other witnesses)
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PW 2	Tulsi Kumari	

Prosecution exhibits:-

Sr No	Exhibit Number	Description
1.	Exhibit-1	Signature of informant on written ap- plication given to police.

Place

Date.

(Rishi Gupta)

Additional Sessions judge-I Benipur

Date on which Judgement is reserved	04-04-2026
Date of Judgement	06-04-2026
Uploading Date	07-04-2026
Uploaded by	Lav Kumar, Court Reader cum D.W.