

**IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS
JUDGE
CIVIL COURT BIRAUL, DARBHANGA**

Present :- Shri Shiv Kumar
District & Additional Sessions Judge
Civil Court – Biraul, Darbhanga

**SESSIONS TRIAL No. 218/2024
New R. No. 180/2025
G.R. Case No. 553/2017
Jamalpur P.S. Case No. 62/2017**

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State of Bihar (Sona Devi)

Versus

- 1-Sanju Devi, W/o Dinesh Chaupal, Vill Dhangha, PS Jamalpur, Dis Darbhanga
- 2-Jaymala Devi, W/o Dilip Chaupal, Vill Dhangha, PS Jamalpur, Dis Darbhanga
- 3-Buchchi Devi, W/o Sarjug Chaupal, Vill Dhangha, PS Jamalpur, Dis Darbhanga
- 4-Nisa Devi, W/o Santosh Choupal, Vill Dhangha, PS Jamalpur, Dis Darbhanga
- 5-Vijali Devi, W/o Lakshman Choupal, Vill Dhangha, PS Jamalpur, Dis Darbhanga
- 6-Lakshman Choupal, S/o Saryug Choupal, Vill Dhangha, PS Jamalpur, Dis Darbhanga

..... Accused

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Jamalpur P.S. Case No. 62/2017, Dated 25.06.2017
F.I.R. Under Section - 341, 323, 324, 325, 307, 504, 506, 34 IPC
Charge Sheet No. - 04/2018, dated - 02.01.2018
Charge-sheet U/S- 341, 323, 325, 307, 504, 506, 34 IPC
Cognizance dated- 12.02.2020, U/S-341,323, 325, 307, 504, 506, 34 IPC
Date of Commitment - 08.04.2024
Date of Charge - 26.06.2024, U/S- 341,323, 325, 307, 504, 506, 34 IPC
Prosecution evidence closed on date - 05.02.2026
Date of statement U/S 313 of the Cr.P.C.- 25.02.2026

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For Prosecution : Sri Bachcha Rai, Ld. APP
For Defence : Ld. Counsel Sri Ram Bilash Yadav

Date of Judgment : 25 March of year 2026

JUDGMENT

1- Above named accused person undergone session trial in this case for the offence punishable under section of 341,323,324, 325, 307, 504, 506, 34 IPC

2-The FIR in this present case has been lodged on the basis of written application of informant is that on dated 24.06.2017 at 6 AM son of the informant namely Happy Chaupal was in his house, in the meantime petitioner Laxman Chaupal abused him and on objection, petitioner Laxman chaupal assaulted Happy Chaupal with farsa causing cut injury on his mouth and other petitioner assaulted other persons with bricks etc.

3- As per fard-bayan/application filed on behalf of informant namely Sona Devi, FIR lodged in Jamalpur P.S.Case No. 62/2017, Dated 25.06.2017, got registered for the offence punishable u/s 341, 323, 324, 325, 307, 504, 506, 34 IPC, against accused persons above mentioned. Fard-bayan got adduced in writing by 25.06.2017. After investigation by I.O. submitted Charge Sheet No.- 04/2018, dated - 02.01.2018 against accused persons above named, for the offence punishable u/s 341, 323, 325, 307, 504, 506, 34 IPC. Cognizance taken by Ld. ACJM-I, Biraul, Darbhanga on date 12.02.2020, U/S-341,323, 325, 307, 504, 506, 34 IPC and considering case to be triable by Sessions Court, after adopting all due process of law, case committed to the Court of Sessions on date 08.04.2024.

4- When the accused appeared/brought before court in pursuance of commitment prosecution put their case by describing the charge brought against the accused and stated the evidence, oral and documentary, through which he want to prove the guilt of accused. Considering sufficient ground to proceed, charges framed against accused for the offence punishable u/s 341,323, 325, 307, 504, 506, 34 IPC on date 26.06.2024. Charges explained to accused persons in Hindi, to which they pleaded not guilty and claimed to be tried.

5- Evidence from prosecution closed on date 05.02.2026. Accused persons above named in their statements u/s 313 of the Cr.P.C. denied case of prosecution and taken plea of innocence. In defence, neither any oral evidence nor any documentary evidence produced in support of their denial.

6- Now after going through evidence brought forth and argument from both side, moot question for determination is as to whether the prosecution has been able to substantiate the charges as leveled against the accused persons, beyond all of the reasonable doubts.

FINDINGS

7- On behalf of prosecution, altogether 3 witnesses got examined, which is to be mentioned as below :-

Pw.1-Sona Devi, W/o Chandra Shekhar Chaupal submits that I am the informant of this case. This incident took place 5-6 years ago. It was 12-01 O' clock. The incident took place due to duck. My son Happy Chaupal was assaulted by FIR named accused persons. My husband went to save then he was also assaulted. The injured were got treatment in Kirathpur hospital. Then after injured were referred to DMCH. Today in court Lakshman Chaupal is present. I can recognize rest of the accused persons who are not present in this court.

This witness further states that, all the accused are my neighbor. I was present in my yard during incident. I came to know later that my son Happy Chaupal run behind duck to catch then he was falling and due to which he got injured. None of the accused committed marpit with me and nor I saw my son beaten by any accused persons. Due to falling my son injured and I took him for treatment for that injury. I am not educated. What ever my villagers give me written application I submitted the same in the concerned police station. I do not want to fight this case further.

Pw.2- Happy Chaupal, S/o Chandra Shekhar Chaupal, submits that the informant of this case is my mother. This incident took place 8-9 years before. It was 8 AM in the morning. The fight occurred due to duck. I was assaulted by Lakshman Chaupal, Jaymala Devi and Bijli Devi. Lakshman Chaupal assaulted me by means of farsa. I was injured due to attack of farsa. Then after I got treatment in DMCH. Today in court Lakshman Chaupal is present. I can recognize rest of the accused persons after seeing them.

This witness further states that my cousin's son and I run to catch duck and during this I felt down and injured. I did not see any of the accused persons equipped with any fatal weapons and assaulted me by this weapons. I was injured due to falling and I got treatment for that. Police did never asked me about this incident. Non of my family members got treatment except me. The accused who is present in this court is my uncle and we are belong to the same yard.

Pw.3- Sahdev Chaupal, S/o Late Chanchal Chaupal submits that, this incident was 1-1.5 years old. It was 8 AM. The quarrel occurred due to duck. The informant's son was assaulted by accused persons. When the informant's husband went to save then he was also assaulted by them. I have said the same thing before the police. Today in court Lakshman Chaupal is present. I can recognize rest of the accused persons after seeing them.

This witness further states that the accused and informant belong to same family stock. Both sides had amicably settled this dispute. I am not the eye witness of this incident. I have not recorded my statement before the police. The accused are my neighbor so I recognize them.

8- On behalf of defence neither any oral nor any documentary evidence produced in denial of the case of prosecution.

9- Heard , both side and perused material available on record. In criminal justice system, this is a golden rule that prosecution has to stand over their own feet and has to prove their case beyond all of reasonable doubts. This is also on prosecution to prove time of occurrence, manner of occurrence and place of occurrence, in consonance, beyond all of reasonable doubt. In present matter accused undergone trial for the offence punishable u/s 341,323, 325, 307, 504, 506, 34 IPC. Since non of the witnesses support the case of prosecution, prosecution fail to establish it's case beyond reasonable doubt. Now these sections may be concluded as per material available on record.

10- Considering the aforesaid facts and circumstances of the case and discussions set forth, I come to the conclusion that the prosecution failed to prove their case against accused person named above, beyond all of reasonable doubts.

ORDER

It is , therefore, I hold and accordingly order that the prosecution in this case failed to prove their case as alleged sections and for which accused above named undergone trial. In such situations on the basis of lack of evidence benefit of doubt goes in the favour of defence and accordingly accused above mentioned being hereby **ACQUITTED** and also being discharged from their bail bond liabilities.

Dictated, Corrected and judgment was pronounced in open court:

(Shri Shiv Kumar)

District & Additional sessions Judge
Civil Court , Biraul, Darbhanga
25-03-2026

***The Court of District & Additional Sessions Judge,
Biraul, Darbhanga***

*Judgment in Sessions Trial No. 180 of 2025
Date of Judgment :- 25.03.2026*