

<u>In The Court Of District and Additional Sessions Judge</u> <u>Biraul (Darbhanga)</u> Present - Sri Shiv Kumar Session Trial number- 244/ 2025 CIS No. 998/2025 Biraul PS case number 45/2022 Cognizance - under section 323, 341, 307, 504, 34 IPC charge- under section 323/34, 341/34, 504/34, 307/34 IPC	
Prosecution	State of Bihar (through – Rabin Manjhi)
Represented by-	learned App Shri Bachcha Rai
Accused	(A1) Dharmpal Manjhi alias Nikan Manjhi, age 30 years Son of Sri Budheshwar Manjhi (A2) Abhisekh Manjhi alias Abhisekh Kumar, age 25 years Son of Kamal Manjhi (A3) Satpal Manjhi, age 35 years Son of Sri Budheshwar Manjhi (A4) Budheshwar Manjhi, age 64 years Son of Late Lakhan Manjhi All resident of village- Manaur Bhauram, PS- Biraul, District- Darbhanga
Represented by	Ld Adv Mr Ajay Kumar Jha

Date of offence	07-02-2022 & 08.02.2022
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Date of FIR	09-02-2022
Date of Chargesheet	07-02-2023
Date of framing of Charge	19-08-2025
Date of commencement of evidence	23-09-2025
Date on which judgement is reserved	23-06-2026
Date of judgement	23/06/2026
Date of the sentencing order	--

Judgement

1. The above named accused persons have been prosecuted for having committed offences punishable under sections 323/34, 341/34, 504/34, 307/34 of IPC. The prosecution story as stated in FIR in brief is that following the immersion of the goddess Saraswati idol, during the feast, a minor argument/altercation broke out among the children, which was pacified by the local residents. Fuelled by that grudge, on 07.02.2022 at around 5 PM, while informant was at his house, suddenly accused persons namely Budheswar Manjhi, Satpal Manjhi, Dharmpal Manjhi, Kamal Manjhi, Abhish Manjhi arrived at informant's house armed with lath, sticks, and lethal weapons. They began using abusive language and were bent on committing a violent assault, but with the timely assistance of the local residents, a major incident was averted. However, once again on 08.02.2022 at around 7 AM the same accused persons returned armed with lathi, sticks, farsa and iron rods. Shouting abuses, they began assaulting informant with the intention to kill. During the assault, Kamal Majhi with the intention to kill, struck informant on his head with farsa, causing a severe wound and heavy bleeding. Informant fell on ground and accused persons have assaulted him in fallen state. When his grandmother Sita Devi, his aunt Anila Devi and his sister in law Kajal Devi came to rescue informant, the accused persons began abusing and assaulting them as well. During this, Satpal Manjhi broke Sita Devi's arm using an iron rod, Dharmpal Manjhi broke Anila Devi's leg,

and Abhisekh Manjhi broke Kajal Devi's waist, besides inflicting multiple injuries on their bodies. Meanwhile, hearing the commotion, as neighbours began gathering, Kamal Manjhi snatched a gold Mangalsutra from Anila Devi's neck. Dharmpal Manjhi fled with a JVC camera worth of Rs 1.5 lakhs from the studion shop located next to our house. The other accused persons also fled carrying various valubale items from the shop. After that injured were taken to Biraul Government Hospital for treatment.

2. On the basis of aforementioned information the present Biraul PS case number 45/2022 was registered against 5 accused persons namely Budheswhar Manjhi, Satpal Majhi, Dharmpal Majhi, Kamal Manjhi, Abhisekh Manjhi. Investigation was carried out and charge sheet was submitted by the investigating officer against 4 accused persons namely Budheswhar Manjhi, Satpal Manjhi, Dharmpal Manjhi and Abhisekh Manjhi. The police has not sent up accused Kamal Manjhi in the charge-sheet for trial and mentioned his name in column 12 of the charge-sheet. After that Ld. Court below has taken cognizance against the charge-sheeted accused persons by its order dt. 27.07.2022 and committed this case to the court of Sessions Judge on 09.05.2025. Later, the learned sessions court framed charges for commission of offences punishable under sections 323/34, 341/34, 504/34, 307/34 of IPC against accused persons namely Budheshwar Manjhi, Dharm Pal Manjhi, Abhishekh Manjhi, Satpal Manjhi. The contents of charges were read over and explained to the accused persons in Hindi to which they pleaded not guilty and claimed to be tried.
3. Prosecution in support of the case has examined the following witnesses.

Prosecution witnesses

Rank	Name	Nature of Evidence(eye witness police witness expert witness medical witness other witnesses)
PW 1	Ram Naresh Yadav	Hostile
PW 2	Narayan Sharma	Hostile
PW 3	Valit Manjhi	Hostile
PW 4	Solindar Manjhi	Hostile
PW 5	Rabin Manjhi	Informant
PW 6	Anila Devi	Injured
PW 7	Kajal Kumari	Injured
PW 8	Sita Devi	Injured

Prosecution exhibits

Sr No	Exhibit Number	Description
1	--	--

4. The statements of the 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 8 witnesses.

PW 1 Ram Naresh Yadav. This witness deposed in his examination in chief in para 1 that the incident took place three years ago. In para 2 he deposed that the police did not inquire me. In para 3 he deposed that I do not know anything about the incident.

At the request of prosecution, this witness is declared hostile. In para 4 he deposed that It is not true that my statement was recorded by the police. I had told the police that during the Saraswati Puja immersion, an altercation (argument) took place among the children. Regarding that matter, on the date of the incident, Budeshwar Manjhi and three-four other people came to the door of Ravin Manjhi carrying sticks (lathi-danda). They started abusing him and became bent on committing an assault. Other people pacified them. Again, the next day, Budeshwar Manjhi and others came and started assaulting Ravin Manjhi. When his family members came to save Ravin Manjhi, they were assaulted as well. During the fight, people from both sides got injured. He further deposed that Budeshwar Manjhi is present in the court today. I will also identify those who have not come today.

During his cross examination in behalf of accused persons this witness deposed that I have not seen any part of the incident with my own eyes. I have given my statement voluntarily. The accused person present in the court is my fellow villager, which is why I recognize him. I have no personal knowledge about the incident. I came to the court because information was sent from the police station.

PW 2 is Narayan Sharma. This witness deposed in his examination in chief in para 1 that I do not know anything about the incident. No statement of mine was recorded before the police.

On the request of the prosecution, the witness is declared hostile. In para 2 he deposed that It is not true that I gave a statement to the police

regarding the incident, and that I had told the police that on the date of the incident, when I went to the spot, I saw Budeshwar Manjhi, Satpal Manjhi, Dharmpal Manjhi, and Abhishek Manjhi holding sticks and batons (lathi-danda) in their hands and assaulting. When other members of their family came to save them, they started assaulting those people as well. Regarding that very matter, this case/incident took place. In para 3 he deposed that this incident was caused due to a minor altercation (argument) among children during the Saraswati Puja immersion. In para 4 he deposed that you are retracting your previous statement after colluding with the accused. In para 5 he deposed that I recognize the accused Budeshwar Manjhi standing in the court, and I also recognize those who have not come today.

During his cross examination on behalf of the accused persons this witness deposed that On the date of the incident, I was in Faridabad. I returned home 20 days after the incident. Upon returning home, I came to know that a dispute had occurred between the complainant and the accused. No incident took place in my presence. I recognize Budeshwar Manjhi, who is present in the court, by virtue of him being from the same village.

PW3 is Vallit Manjhi. This witness deposed in his examination in chief in para 1 that I have no knowledge about the incident. In para 2 he deposed that tThe police did not inquire me.

On the request of the prosecution, the witness is declared hostile. In para 3 he deposed that It is not true that my statement was recorded by the police, or that I had told the police that the informant of this case, Ravin Manjhi, is my nephew. On the date and time of the incident, my nephew Ravin Manjhi was at home. Hearing the sound of a commotion, I went to Ravin Manjhi's house and saw that Budeshwar Manjhi, Satpal Manjhi, Dharmpal Manjhi, Kamal Manjhi, and Abhishek Manjhi were assaulting my nephew Ravin Manjhi. In para 4 he deposed that prior to the incident, the Saraswati Puja immersion had taken place, during which the village community gathered and pacified the dispute. On 08.02.2022, at around 07:00 AM, all the aforementioned persons, armed

with sticks, batons, pharsa, and iron rods, started assaulting my nephew Ravin Manjhi. When Ravin's grandmother, paternal aunt (chachi), and sister-in-law (bhavah) came, they were also assaulted, and the injured individuals were treated at the Primary Health Centre. In para 5 he deposed that I recognize the accused persons. Today, Budeshwar Manjhi has come to the court, and I recognize him. I will also identify the others. In para 6 he deposed that the police had inquired me.

During his cross examination on behalf of the accused persons this witness deposed in para 7 that I have given my statement voluntarily. In para 8 he deposed that I have no personal knowledge of the alleged incident. In para 9 he deposed that the chowkidar from the police station informed me, which is why I have come to give testimony. In para 10 he deposed that Budeshwar Manjhi is my fellow villager, which is why I recognize him.

PW 4 is Solindar Majhi. This witness deposed in his examined in chief in para 1 that the informant of this case, Ravin Manjhi, is my fellow villager. In para 2 he deposed that the police did not inquire me.

On the request of the prosecution, the witness is declared hostile. In para 3 he deposed that It is not true that my statement was recorded by the police, and that I had stated that upon hearing a commotion, I went to Ravin's house and saw Budeshwar Manjhi, Satpal Manjhi, Kamal Manjhi, and Abhishek Manjhi all assaulting Ravin Manjhi. Prior to the incident, the Saraswati immersion had taken place, and the people of the village community had pacified the dispute. For this reason, on the next day of the incident, at the scheduled time and date, all the individuals went to Ravin Manjhi's house and were assaulting him. When Ravin's grandmother, aunt (chachi), and sister-in-law (bhav) came, all the individuals assaulted them as well and injured them. All the injured persons were treated at the Primary Health Centre, Biraul. In para 4 he deposed that today, the accused Budeshwar Manjhi is present in the court. I will also identify those who have not come.

During his cross examination on behalf of the accused persons this witness deposed in para 5 that I have given my statement voluntarily. In

para 6 he deposed that I have no knowledge about the alleged incident. In para 7 he deposed that the watchman (chowkidar) from the police station informed me, which is why I have come to the court. In para 8 he deposed that Budeshwar Manjhi is my fellow villager, which is why I recognize him. In para 9 he deposed that apart from Budeshwar Manjhi, I do not know who the other people are.

PW 5 is Rabin Manjhi. This witness deposed in his examination in chief in para 1 that I am the informant of this case. In para 2 he deposed that I had filed this case against five persons, including Budeshwar Manjhi, Satpal Manjhi, etc. In para 3 this witness deposed that this incident took place four years ago. The incident happened at five o'clock in the evening. In para 4 he deposed that all the persons, armed with sticks and batons (lathi-danda), came to my house while abusing me, but with the cooperation of the villagers, the incident was stopped. Again, the next day at seven o'clock in the morning, these people came holding sticks, batons, and iron rods in their respective hands and started assaulting me. Kamal Manjhi struck me with a pharsa he held in his hand, Satpal Manjhi hit me with an iron rod, and the other people assaulted me with sticks and batons. When my grandmother Sita Devi, paternal aunt (chachi) Anila Devi, and sister-in-law (bhabho) Kajal Devi came, they assaulted them too, injuring them severely, and Satpal Manjhi took away the mangalsutra from Anila Devi's neck. I got a written application typed and submitted it to the Station House Officer (SHO), Biraul. I signed that application after reading it myself, and after having it read out to me, understanding it, and finding it correct. My statement was recorded by the police. In para 4 he deposed that I recognize the accused persons. Today, Budeshwar Manjhi is present in the court, and I also recognize those who have not come.

During his cross examination on behalf of the accused persons this witness deposed in para 5 that I cannot state the day, date, month, or year of the alleged incident of this case, nor can I state the boundaries (chauhaddi). In para 6 he deposed that I cannot state when the accused persons arrived at the spot on the day and time of the alleged incident

and when they left. In para 7 he deposed that I cannot state which weapon was held in the hand of which accused person. In para 8 he deposed that I cannot state which injured person was inflicted injuries by which accused person. In para 9 he deposed that I cannot state with what object which accused person struck me. In para 10 he deposed that I had fallen down, which is why I got injured. In para 11 he deposed that a criminal case has been ongoing between me and the accused persons since prior to this. In para 12 he deposed that this is a counter-case (palta vaad) to that very criminal case. In para 13 he deposed that I cannot state by whom this written application was got typed. In para 14 he deposed that I have no knowledge about the contents typed in the written application. In para 15 he deposed that the accused persons have also registered Biraul Police Station Case No. 46/22 against me, which is currently ongoing in this very court.

PW 6 is Anila Devi. This witness deposed in his examination in chief in para 1 that the incident took place four years ago. In para 2 he deposed that the informant of this case, Ravin Manjhi, is my fellow villager. In para 3 he deposed that on the date and time of the incident, a dispute was taking place between Ravin Manjhi and Budeshwar Manjhi. In the midst of this, Budeshwar Manjhi, Satpal Manjhi, Dharmpal Manjhi, Kamal Manjhi, and Abhishek Manjhi came to Ravin Manjhi's house and were assaulting him. When I went to intervene, the aforementioned Budeshwar Manjhi and others assaulted me as well, and my medical treatment was done at the Biraul Government Hospital. In para 4 he deposed that I recognize the accused persons. In para 5 he deposed that today, Budeshwar Manjhi is present in the court, whom I recognize. I will also identify the others.

During his cross examination on behalf of accused persons this witness deposed in para 6 that I cannot state the day, date, year, or month of the incident. In para 7 she deposed that I cannot state the boundaries (chauhaddi) of the place of the incident either. In para 8 she deposed that I cannot state which accused person arrived when and left when. In para 9 she deposed that I cannot state which accused person

struck whom with what weapon. In para 10 she deposed that I cannot say by whom injuries were inflicted upon me. In para 11 she deposed that I sustained injuries because I fell down, and I became unconscious. In para 12 she deposed that Litigation has been ongoing between both parties since prior to this. In para 13 she deposed that my statement was not recorded by the police. In para 14 he deposed that the accused person is my fellow villager, which is why I recognize him.

PW 7 is Kajal Devi. This witness deposed in his examination in chief in para 1 that The informant of this case is my neighbor. IN para 2 she deposed that the incident took place four years ago. It happened at around 5:00 PM. In para 3 she deposed that a dispute was taking place between Budeshwar Manjhi and Ravin Manjhi. In the midst of this, five persons, including Budeshwar Manjhi, armed with sticks, batons (lathi-danda), and deadly weapons, arrived and were assaulting the informant Ravin Manjhi and other family members. When I went to save them, all those persons assaulted me as well and injured me. Furthermore, Satpal Manjhi snatched away the mangalsutra from the neck of Anila Devi. Our medical treatment was carried out at the Primary Health Centre, Biraul. In para 4 she deposed that today, Budeshwar Manjhi is present in the court, whom I recognize. I will also identify those who have not come.

During his cross examination on behalf of the accused persons in para 5 she deposed that I cannot state the day, date, month, or year of the incident. In para 6 she deposed that I cannot state the boundaries (chauhaddi) of the place of the incident. In para 7 she deposed that I cannot state which accused person arrived when. In para 8 she deposed that I cannot state which accused person struck whom with what object. In para 9 she deposed that I cannot say by whom injuries were inflicted upon me. In para 10 she deposed that I became unconscious due to sustaining injuries from falling down. The accused person is my fellow villager, which is why I recognize him.

PW 8 is Sita Devi. This witness deposed in her examination in chief in para 1 that the informant of this case, Ravin Manjhi, is my grandson. In para 2 she deposed that this incident took place four years ago at around five o'clock in the evening. In para 3 she deposed that a dispute was taking place between Vidheshwar Manjhi and Ravin Manjhi. In the midst of this, five persons, including Vidheshwar Manjhi, armed with sticks and batons (lathi-danda), arrived and were assaulting the informant Ravin Manjhi and my family members. When I went to intervene, I was also assaulted and severely injured. In para 4 she deposed that my medical treatment was done at the Biraul Government Hospital. In para 5 she deposed that today, Vidheshwar Manjhi is present in the court, whom I recognize. I will also identify the others.

During her cross examination on behalf of the accused persons this witness deposed in para 6 that I cannot state the day, month, date, or year of the incident. In para 7 she deposed that I have been blind for the past five to six years. In para 8 she deposed that I sustained injuries in the process of falling down. In para 9 she deposed that I have not seen any part of the alleged incident. In para 10 she deposed that the accused person present in the court is my fellow villager, which is why I know him.

7. The prosecution has argued that by adducing evidence, it has been successful in proving charges against the accused persons while the defence has argued that prosecution witnesses have supported the prosecution story and the prosecution have completely failed to prove charges against the accused persons.

8. I have carefully considered the submissions advanced by the learned APP for the State and the learned counsel appearing for the accused persons. I have also scrutinized the entire oral evidence available on record.

The prosecution case is that due to a dispute arising out of a quarrel among children during Saraswati Puja immersion, the accused persons, in furtherance of their common intention, assaulted

the informant Rabin Manjhi and his family members and attempted to commit his murder. The burden squarely lies upon the prosecution to establish these allegations beyond all reasonable doubt.

It is well settled that in a criminal trial the burden lies upon the prosecution to prove its case beyond all reasonable doubt and the accused persons are entitled to the benefit of every reasonable doubt.

In the present case, PW-1 Ram Naresh Yadav, PW-2 Narayan Sharma, PW-3 Vallit Manjhi and PW-4 Solindar Manjhi were projected as independent witnesses. However, all these witnesses were declared hostile by the prosecution. In their cross-examination they categorically stated that they had not witnessed the occurrence and had no personal knowledge regarding the alleged incident. Their evidence, therefore, does not support the prosecution case regarding the participation of the accused persons in the alleged occurrence.

PW-5 Rabin Manjhi is the informant and alleged injured witness. Though in his examination-in-chief he supported the prosecution version, in cross-examination he admitted that he could not state the date, month or year of the occurrence, could not specify which accused carried which weapon, could not state which accused caused injuries to which person and further admitted that he sustained injuries after falling down. He also admitted that a criminal case was already pending between the parties and that the present case was a counter case to Biraul P.S. Case No. 46/2022 instituted by the accused side. These admissions materially affect the reliability of his testimony.

PW-6 Anila Devi, PW-7 Kajal Devi and PW-8 Sita Devi are also alleged injured witnesses. However, during cross-examination they failed to attribute any specific overt act to any particular accused. PW-6 and PW-7 admitted that they could not say who caused injuries to them and stated that they became injured after falling down. PW-8 further stated that she had been blind for the last five to six years and had not seen any part of the occurrence. Thus, their testimonies do

not inspire confidence regarding the manner of occurrence or the role of the accused persons.

The Court further finds that no medical evidence has been brought on record. Though the prosecution alleged grievous injuries, fracture injuries and an assault with a pharsa on the head with intention to kill, neither any injury report nor any medical officer has been examined to prove the nature, extent or cause of injuries. The prosecution has also failed to examine the Investigating Officer.

The evidence on record suffers from material contradictions, omissions and inconsistencies. The prosecution has failed to establish the common intention of the accused persons or their specific participation in the alleged offences. The evidence adduced is not of such quality as would enable this Court to record a finding of guilt beyond reasonable doubt.

Accordingly, this Court holds that the prosecution has failed to prove the charges under Sections 323/34, 341/34, 504/34 and 307/34 of the Indian Penal Code against accused persons namely Dharmpal Manjhi @ Nikan Manjhi, Abhisekh Manjhi @ Abhisekh Kumar, Satpal Manjhi and Budheshwar Manjhi beyond all reasonable doubt.

Consequently, all the accused persons are liable to be acquitted of the charges under Sections 323/34, 341/34, 504/34 and 307/34 IPC by extending to them the benefit of doubt.

Order

The accused person namely (A1)Dharmpal Manjhi @ Nikan Manjhi S/o- Sri Budheshwar Manjhi, (A2)Abhisekh Manjhi @ Abhisekh Kumar S/o- Kamal Manjhi, (A3)Satpal Manjhi S/o- Sri Budheshwar Manjhi and (A4) Budheshwar Manjhi S/o- Late Lakhan Manjhi, are acquitted of charges for commission of offences punishable under sections

In The Court of District and Additional Sessions Judge, Biraul, Darbhanga

Present: Shiv Kumar,

Dist.& Addl. Sessions Judge, Biraul

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323/34, 341/34, 504/34 and 307/34 IPC on benefit of doubt. Since the accused persons are already on bail, they and their respective sureties are hereby discharged from their respective liabilities under the bail bond. Office is directed to submit the case records of the present case in record room as per rule.

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

Place

Date

(Shiv Kumar)
Additional Sessions Judge
Biraul, Darbhanga

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Appendix of evidence

Prosecution witnesses

Rank	Name	Nature of Evidence(eye witness police fitness expert witness medical witness other witnesses)
PW 1	Ram Naresh Yadav	Hostile
PW 2	Narayan Sharma	Hostile
PW 3	Valit Manjhi	Hostile
PW 4	Solindar Manjhi	Hostile
PW 5	Rabin Manjhi	Informant
PW 6	Anila Devi	Injured
PW 7	Kajal Kumari	Injured
PW 8	Sita Devi	Injured

Prosecution exhibits

Sr No	Exhibit Number	Description
1	--	--

Place
Date.

(Shiv Kumar)
Additional Sessions Judge
Biraul, Darbhanga