

**IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE,  
BIRAU, DARBHANGA, BIHAR**

Present: - Priyanshu Raj

Date of Judgment: - 09/03/2026

G.R case no.- 1314/2013

Biraul P.S. Case no. - 415/2013

CIS No. – 1314/2013

F.I.R under section- 341, 323, 498(A), 504, 34 of IPC & 3/4 Dowry Act.

Complainant	State of Bihar
Represented by	Ld. A.P.O
Accused person	<ol style="list-style-type: none"> <li>1. Ramu Sharma, S/O Ganga Sharma, Age-35,</li> <li>2. Ganga Sharma, S/O Kripal Sharma, Age-45,</li> <li>3. Rajo Devi, W/O- Ganga Sharma, Age-65,</li> </ol> <p style="text-align: center;">All Accused Sakin – Pokhram, P.S – Biraul, Dist – Darbhanga</p>
Represented by	Ld. Counsel Sri Vikrant Kumar

**FORM B**

Date of Offence	13-12-2013
Date of F.I.R	18-12-2013
Date of Chargesheet	04-03-2015
Date of framing of charge	02-01-2016
Date of commencement of Evidence	04-03-2016
Date on which Judgment was reserved	26-02-2026
Date of Judgment	09-03-2026
Date of sentencing order, if any	N.A

**Details of Accused Persons**

Rank of the Accused	Name of the Accused	Date of Release on Bail	Offence Charged with	Whether Acquitted or Convicted	Sentence Improved	Period of detention undergone during trial.

1.	Ramu Sharma	Not Applicable	341, 323, 498(A), 504 of IPC & 3/4 Dowry Act	Acquitted	Not Applicable	Not Applicable
2.	Ganga Sharma	Not Applicable	341, 323, 498(A), 504 of IPC & 3/4 Dowry Act	Acquitted	Not Applicable	Not Applicable
3	Rajo Devi	Not Applicable	341, 323, 498(A), 504 of IPC & 3/4 Dowry Act	Acquitted	Not Applicable	Not Applicable

**FORM C****LIST OF PROSECUTION / DEFENCE/COURT WITNESSES****A. Prosecution: -3**

Rank	Name	Nature of Witness
PW1	Hare Ram Jha	Hostile Witness
PW2	Priyajat Kumar @ Bablu	Hostile Witness
PW3	Tuntun Mahto	Hostile Witness

**B. Defense Witness: - Nil**

Rank	Name	Nature of Witness
N.A	N. A	N. A

**C. Court Witness: - Nil**

Rank	Name	Nature of Witness
N.A	N. A	N. A

**List of Prosecution/Defence/Court Exhibits****A. Prosecution: - Nil**

Serial Number	Exhibit Number	Description
N.A	N. A	N. A

**B. Defence: - Nil**

Serial Number	Exhibit Number	Description
NA	NA	Nil

**C. Court: - Nil**

Serial Number	Exhibit Number	Description
N.A	N.A	N.A

**JUDGMENT**

1. The above named accused persons are facing trial for offence punishable under section 341, 323, 498(A), 504 r/w 34 of IPC & 3/4 of Dowry Prohibition Act (for brevity called as DP Act).
2. Prosecution story as per fard-e-bayan in brief is that the informant is married to one of the accused and other accused persons are his in-laws they used to torture her for dowry of one lakh rupees. On 13.12.13 at about 8pm in the accused persons started assaulting the informant and tried to kill her by hanging through rope. She fled from their house to protest his life.
3. On above complaint an FIR was registered against the accused persons wide Biraal P.S Case No. 415/2013. Charge-sheet was submitted and the cognizance was taken under above-mentioned sections and in the meantime the record was transferred to this court for trial and disposal. Accordingly, the charge was framed under above-mentioned sections.
4. The version of defense is the complete denial of occurrence. The accused persons also pleaded their innocence while examined before the Ld. Court for the purpose of enabling the circumstances existing against them. The statement of accused persons u/s 313 Cr.P.C. was recorded in which they claimed to be innocent
5. The main point for determination in this case is that whether the prosecution has been able to prove the charge under section 341, 323, 498(A), 504 r/w 34 of IPC & 3/4 of DP Act leveled against the accused persons, beyond the shadow of all reasonable doubt?

**FINDINGS**

6. Prosecution has examined three witnesses all were declared hostile by the prosecution.
7. The defense has not adduced any oral or documentary evidence in support of their contentions.
8. PW 1 is Hare Ram Jha, PW2 is Priyajat Kumar & PW3 is Tuntun Mahto in their examination-in-chief they have stated that they have no information about the incident

and that their statement was never recorded by the police and they were declared hostile by the prosecution. They have recognized the accused persons present and stated that they can recognize others. In their cross examination by the prosecution, they denied the suggestion that he has stated to the police that the accused persons used to torture the informant for dowry and other domestic issue. Further cross examined by the defense they stated that they have no information about the incident. Later they were discharged.

9. In this case the informant was not produced before the court as witnesses. All three witnesses examined were declared hostile by the prosecution as they did not support the story of prosecution. They have nowhere supported the case of prosecution. In fact, they have been hostile in his testimony towards the prosecution in totality. They have stated that they knew nothing about the incident. Even in cross examination nothing material could be drawn. There is no enough material in record to prove the charge against the accused person. In this case prosecution has produced only hostile witnesses. No doctor or IO were produced. Thus, the prosecution has failed to prove leveled charges against the accused person beyond reasonable doubt. Thus, the court finds that prosecution has failed to prove the case beyond reasonable doubt.
10. Thus, the court concludes that the prosecution has failed to prove the charge u/s section 341, 323, 498(A), 504 r/w 34 of IPC & 3/4 of DP Act against the accused persons.

### **Order**

The accused persons are found and held not guilty of this charge and accordingly they are acquitted of the same. They are also hereby discharged from the liabilities of their bail bonds.

Typed and corrected by me

Pronounced by me in the open court

Priyanshu Raj  
Sub-Divisional Judicial Magistrate,  
Biraul  
Date-09-03-2026

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