

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

Present: - Priyanshu Raj
Date of Judgment: - 09/03/2026
G.R case no.- 1164/2013
Ghanshyampur P.S. Case no. - 298/13
CIS No. – 1164/2013

F.I.R under section- 147, 148, 149, 323, 307, 379, 504 of I.P.C

Complainant	State of Bihar
Represented by	Ld. A.P.O
Accused person	<ol style="list-style-type: none"> 1 Mahadev Jha, S/O- Ram Chandra Jha, aged about 57 years, 2 Kanhaiya Kumar Jha, S/O- Rajendra Jha, aged about 49 years, 3 Gautam Kumar Jha, S/O- Rajendra Jha, aged about 45 years, 4 Durgesh Kumar Jha, S/O- Sushil Jha, aged about 37 years, 5 Rajendra Jha, S/O- Late Suran Dev Jha, aged about 77 years <p style="text-align: center;">All Accused Vill-Ganaun, P.S- Ghanshyampur, District- Darbhanga.</p>
Represented by	Ld. Counsel Sri Gopal Jha

FORM B

Date of Offence	09-11-2013
Date of F.I.R	11-11-2013
Date of Chargesheet	24-07-2017
Date of framing of charge	12-02-2026
Date of commencement of Evidence	17-02-2026
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 or Bail	of on	Offences Charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of detention undergone during trial.
---------------------	---------------------	-------------------------	-------	-----------------------	--------------------------------	------------------	---

1.	Mahadev Jha	Not Applicable	341, 323, 379, 504, 147, 149 of IPC	Acquitted	Not Applicable	Not Applicable
2.	Kanhaiya Kumar Jha	Not Applicable	341, 323, 379, 504, 147, 149 of IPC	Acquitted	Not Applicable	Not Applicable
3.	Gautam Kumar Jha	Not Applicable	341, 323, 379, 504, 147, 149 of IPC	Acquitted	Not Applicable	Not Applicable
4.	Durgesh Kumar Jha	Not Applicable	341, 323, 379, 504, 147, 149 of IPC	Acquitted	Not Applicable	Not Applicable
5.	Rajendra Jha	Not Applicable	341, 323, 379, 504, 147, 149 of IPC	Acquitted	Not Applicable	Not Applicable

FORM C**LIST OF PROSECUTION / DEFENCE/COURT WITNESSES****A. Prosecution: - 01**

Rank	Name	Nature of Witness
PW1	Murlidhar Jha	Informant

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: -1**

Serial Number	Exhibit Number	Description
1	P1/PW1	Signature on fard-e-bayan

B. Defence: - Nil

Serial Number	Exhibit Number	Description
NA	NA	NA

A. Court: - Nil

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

JUDGMENT

- 1 The accused persons named above are facing trial for the offence under sections 147, 149, 341, 323, 379, 504 of Indian Penal Code (for brevity read as IPC).
- 2 The present case was instituted on the basis of fard-e-bayan of the informant Murlidar Jha, FIR was lodged u/s 147, 148, 149, 323, 307, 379, 504 of IPC by the Ghanshyampur Police station.
- 3 The case of the Prosecution in brief is that on 09.11.13 at about 8 am the informant was going through his motorcycle when the accused persons came and started assaulting him with "lath-danta" and iron rod. They also took cash kept in his pocket. Later he was treated.
- 4 The Police submitted the Charge-sheet u/s 147, 148, 149, 323, 307, 379, 504 of IPC against accused persons and the court took cognizance under section 147, 148, 149, 323, 341, 379, 504 of IPC.

PROCEDURAL COMPLIANCES

- 5 The charge was framed and explained under above-mentioned sections of the IPC to accused persons in Hindi to which they pleaded not guilty and claimed to be tried.
- 6 Statement of the accused persons U/s 313 of the Cr.P.C was recorded on 17-02-26, under which they have pleaded their innocence.
- 7 The case of defense is total denial of the alleged offence and innocence of the accused person.
- 8 In this case it is a matter of attention that parties have filed compromise petition on dated 07/02/2019 which is on record. Charges under section 323, 341, 379, 504 of IPC are compoundable in nature and victim of this case has supported the fact-um of compromise. Hence, compromise petition to that extent is accepted. As far as charge under section 147, 148, 149 of IPC is concerned it is non-compoundable. Hence the same will be decided according to the merit of the case.

POINTS FOR DETERMINATION

- 9 Now the question which falls for consideration before this court is that whether the Prosecution has been able to prove its case beyond the shadow of reasonable doubt?

FINDINGS, MARSHALLING AND APPRECIATION OF EVIDENCE

- 10 Upon perusal of the record, it emerges that prosecution has produced one witness. The defense has not produced any witness.
- 11 The defense has not adduced any oral evidence in support of their contentions.
- 12 PW 1 is Murlidhar Jha who is also informant of this case in her examination-in-chief he has supported the story of prosecution and recognized his signature on the fard-e-bayan which was marked as Ext. 1 on being recognized. On being cross examined he states that he did not remember the date or month of the incident nor he remember which accused persons came at what time at the place of incidence. He further states that he did not remember which accused person was having which weapon in their hand and that he was injured as he fell on ground and fainted no accused person has ever assaulted him. he further states that accused persons are his

co-villagers and that he has compromised the case with the accused persons. Later he was discharged.

Discussion over material on Record

- 13 In the instant case prosecution has altogether produced one witness.
- 14 Now this court has to consider whether the prosecution has been able to prove its case beyond the shadow of reasonable doubt on the basis of oral/documentary evidences adduced during the course of trail.
- 15 To prove the charge u/s 147 of IPC prosecution has to prove that force or violence is used by an unlawful assembly or any of its member with common object and u/s 148 that they are guilty of rioting, armed with deadly weapon. Here the sole witness produced by the prosecution has stated that no such incident ever took place and that all accused persons came one by one. In para 6 of cross he states that no accused persons were carrying any weapon. He also states that he got injured by falling on ground and no one has ever assaulted him. No other statement was given by him regarding the incident which could prove the case under above mentioned sections. This clearly creates a doubt over the whole prosecution story. No other witness was produced by the prosecution which could prove this case. No Doctor or I.O was also produced to prove the charges. When the informant who has set the law in motion has not supported the story of the prosecution then the reasonable doubt is created in the story of prosecution.
16. It is a cardinal principle of law that the case of Prosecution must stand on its own leg. It is the duty of the prosecution to produce all the material evidence before the court of law. The allegations ought to be proved by the prosecution beyond the shadow of all reasonable doubts. In this case the important witnesses didn't come and depose as a witness. Only one witness has been examined by the prosecution. There is no other independent evidence available on record which could substantiate the guilt of the accused persons. The prosecution has been miserably failed to prove its case beyond reasonable doubt. Accordingly, all above-named accused persons deserve acquittal. It is ordered accordingly.

ORDER

Dwelling on the above discussion this court comes to conclusion to acquit all the above noted accused persons from the charges under section 323, 341, 379, 504 of IPC on the basis compromise and from the charges under section 147, 148, 149 of IPC on the basis of merit of the case in hand. Accordingly, they are acquitted. Since they were enjoying the privilege of bail hence, they are discharged from the liabilities of their bail bonds. The case stands disposed of. The record be consigned to the record room as per rules. **Pending processes, if any, be recalled.**

Priyanshu Raj
S.D.J.M.,
Biraul
Dated-09/03/2026

The judgment is typed and corrected by me and pronounced in open court in presence of both the side, after signing and get sealed.

Priyanshu Raj
S.D.J.M.,
Biraul
Dated-09/03/2026