

IN THE COURT OF ADDITIONAL SESSIONS JUDGE- V,
MOTIHARI, EAST CHAMPARAN

Sessions Trial No- 143 of 2012

Present :
Rajendra Kumar Sinha
A.S.J. -V, Motihari.

Mehasi P. S. Case No- 11/2010
State vs Raju Singh & ors.
Date of Judgment → 15-07-26

FORM – A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE- V, MOTIHARI, EAST CHAMPARAN Present: Rajendra Kumar Sinha Additional Sessions Judge- V Civil Court, Motihari <u>Date of Judgment: 15-07-26</u> [Sessions Case No- 143/2012] (Mehasi P. S. Case No- 11/2010) u/s 302, 201/34 of the I.P.C.	
COMPLAINANT	State of Bihar Through: Shailendra Kumar Singh
REPRESENTED BY	Ld. APP Sri S. C. Pd. Yadav
ACCUSED	1. Raju Singh, aged about 45 yrs. (A-1) 2. Pursottam Singh aged about 40 yrs. (A-2) Both S/O Vashisth Narayan Singh 2. Vashisth Narayan Singh aged about 68 yrs. (A-3) S/O Late Harish Chandra Singh 4. Mst. Indu Devi aged about 70 yrs. (A-4) W/O Late Triloki Singh All R/O Dagraha, P.S.- Mehsi, Distt- East Champaran
REPRESENTED BY	Ld. Adv. Sri Subodh Kumar

vIN THE COURT OF ADDITIONAL SESSIONS JUDGE- V,
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FORM- B

Date of Offence	14-02-2010
Date of Institution of Case	15-02-2010
Date of Charge-sheet	07-11-2010 & 29-02-12
Date of Framing of Charges	19-12-13 & 28-03-12
Date of commencement of evidence	12-05-2012
Date on which judgment is reserved	02-07-2026
Date of the Judgment	15-07-2026
Date of the Sentencing Order, if any	-NA-

Accused Details:

S. No.	Name of Accused	Date of Arrest/ surrender	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention/ Undergone during Trial for purpose of section 428 Cr.P.C.
1.	Raju Singh	21-08-10	05-05-11	302, 201 r/w 34 I.P.C.	Acquitted	-NA-	-NA-
2.	Pursottam Singh	01-02-12	01-02-12	-Do-	-Do-	-NA-	-NA-
3.	Vashisth Singh	22-11-11	22-11-11	-Do-	-Do-	-NA-	-NA-
4.	Mst. Indu Devi	22-11-11	22-11-11	-Do-	-Do-	-NA-	-NA-

JUDGMENT

1. The above named accused persons have been committed to trial for the offences punishable u/s 302, 201 r/w 34 I.P.C.

FACTUAL BACKGROUND

2. The facts of the case, as revealed from the written application of the informant in brief, is that the informant had married his sister with accused No-1 (*in short A-1*) but, soon after the marriage, all the accused persons started ill treating & torturing his sister for demand of dowry and on 14-02-10, they killed her by strangulating her neck and with intend to destroy the evidence had also cremated the dead body without informing him and were absconding from their home.

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3. On the basis of written application of the informant, Mehasi P.S. Case No- 11/2010 dated 15-02-10 for the offences punishable u/s 302, 201/34 I.P.C. was registered and after completion of investigation, charge-sheet No(s)- 119/10 dt. 07-11-10 & 29/12 dt. 29-02-12 were submitted against accused A-1 & A-2 for the offence punishable u/s 302, 201 I.P.C. whereas accused A-3 & A-4 were not sent up for trial by the police but, the cognizance of offences punishable u/s 302, 201/34 I.P.C. was taken against all the accused persons by the Ld. Trial Court.

4. After supply of complete sets of police copies, case records were committed to Court of Sessions, and Sessions Case No- 143/12 and Sessions Case No- 438/13 were instituted and on 19-12-13 record of S. Tr. No. 438/13 was amalgamated with S. Tr. 143/12 and in due course of time the case record was received to this court by the order of Sessions Judge, Motihari for trial & disposal in accordance with law.

TRIAL PROCEEDINGS

5. Hearing rival arguments of both sides, the charge was framed for the offences punishable u/s 302, 201 r/w 34 I.P.C. against the accused persons on 28-03-12 & 19-12-13 and the same was read over & explained to them in Hindi to which they pleaded not guilty and claimed trial. Accordingly, the case was fixed for prosecution evidence.

6. In order to substantiate its versions against the accused persons, the prosecution has examined following witnesses:

PW-1 Manoj Pandey, PW-2 Mohan Dubey, PW-3 Manisha Kumari, PW-4 Shailendra Kumar Singh, PW-5 Sajjan Kumar Singh, PW-6 Niraj Kumar Singh and PW-7 Brij Kishore Singh @ Nitendra Singh

7. The statements of the accused persons were recorded on 20-04-26 u/s 313 Cr.P.C in accordance with sec- 281 Cr.P.C., wherein, all the incriminating materials had been put to them in their vernacular language, i.e. Hindi to which they stated that they have been falsely implicated in the present case and are innocent.

8. The question for judgment before this court is that whether the prosecution has been able to prove its case against the accused persons?

APPRECIATION OF EVIDENCE

9. Now, this court shall discuss all the evidence available on the records in the light of charges leveled against the accused persons.

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10. A brief scrutiny of the evidence recorded in the matter is as under :-

(i) PW-01 being a formal witness, identified Final Form which was marked as Ext-1.
During cross-examination he deposed that Final Form was neither written in front of him nor he knew, what was written in it.

(ii) PW-02 is also a formal witness and identified the Formal FIR, which was further marked as Ext-2.

During cross-examination he deposed that Formal FIR was neither written in front of him nor he knew, what was written in the FIR.

(iii) PW-03 is the daughter of deceased and stated in examination-in-chief that her mother was married with accused A-1 and due to illness he died and at that time of her death, she was around 6-7 yrs. old. She categorically admitted that no one has killed her mother. She was declared hostile by the prosecution and during cross-examination, she denied to give any statement before police.

During cross-examination she deposed that there was good relationship between her parents.

(iv) PW-04; informant & brother of deceased; during his examination-in-chief supporting his case added further that after marriage of his sister, she was being tortured by the accused persons and on 14-02-10, he was informed that they have strangled his sister for non-fulfillment of demand of dowry and have also cremated the dead body. He added when he went to his sister's matrimonial home, there his niece (sister's daughter) told that the accused persons have killed her mother thereafter he went to the police station and filed written application. He has identified his signature upon his written application and the same was marked as Ext-P-3/PW-04.

During cross-examination he deposed that her sister has never complained against her in-laws nor has told about demand of dowry. He deposed that they reached late at his sister's matrimonial home, therefore the dead body was cremated however, his family participated in the last rites of his sister. He categorically deposed that on sayings of villagers, he filed the case and even couldn't say who wrote the written application as he has only put his signature upon it without reading the same. He deposed that later on, his niece told him that due to illness, his sister died and knowing the truth, he has forgiven the family members of his sister.

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(iv) PW-05, PW-06 & PW-07 during their examinations stated their unawareness about the incidence and were declared hostile by the prosecution. They during cross-examination, denied to give any statement as recorded u/s 161 Cr.P.C. before police.

ARGUMENT OF RIVAL CONTENDERS

BY PROSECUTION :-

11. Placing his case before the court, Ld. Additional Public Prosecutor for state during his course of argument submitted that the witnesses produced on behalf of the prosecution have consistently supported the case throughout their examinations before the court & contradictions; if any; pointed out by accused persons are of minor in nature. Learned Additional Public Prosecutor summing up his case finally submitted that the prosecution has by way of his arguments has been able to duly prove the case and therefore, the accused persons be convicted and sentenced accordingly.

BY DEFENCE :-

12. Learned counsel arguing for defence submitted that the whole prosecution story to be false & concocted one. It was submitted that there to be no eye-witness to the case and even the family members of deceased have not supported their case and they have specifically stated that there was good relationship between husband & wife. It was also argued that there to be no direct or circumstantial evidence to rope the accused persons with the commission of the crime and even no such evidence exist to hold that the accused persons were perpetrator of the crime or have abated the crime. It was also argued that prosecution has miserably failed to establish any physical or mental torture to the deceased as for demand of dowry as alleged in the FIR resulting death of informant's daughter. It was argued that no witness has supported the prosecution's case and in reality, this is the case of No evidence, therefore the accused person deserve to be acquitted.

DECISION AND REASONS FOR THE DECISION

13. I have gone through the rival contentions of the Ld. Defence counsels as well as the Ld. Additional Public Prosecutor and have perused the record.

14. In the present case, all together seven witnesses have been examined by the prosecution, out of which two are formal witness and except informant i.e. PW-4 all were hostile by the prosecution for not supporting the case. Even the informant, himself to be hearsay witness has categorically deposed that the deceased has never made any complain of ill-treatment, was

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died due to illness and due to enticement of villagers has filed the case against the in-laws & husband of his sister, all though they being innocent and at this juncture of time, it is also pertinent to mention herein that though the witness has not only deviated himself from the prosecutions case but has categorically stated that last rites was done jointly.

15. Since witnesses are the eyes and ears of justice, the oral evidence has even primacy over the medical evidence, however medical evidence is lacking. If the oral testimony of the witnesses is found reliable, creditworthy and inspires confidence, the oral evidence has to be believed, it cannot be rejected on hypothetical medical evidence as the same is merely of advisory nature. In the instant case evidence is lacking regarding commission of murder of deceased or causing disappearance of evidence as admittedly at the time of cremation, informant's uncle was present and he & his family members couldn't reached on time though participated in the last rites.

16. Generally, the courts tend to believe what the eyewitnesses depose in the court and it is only when there exists grave and material discrepancies and contradictions in their statements which compels the court to think and doubt that whether the eyewitness is giving a truthful account, it can come in the domain of suspicion. When the tenacity and doggedness of the eyewitness is suspicious, when the truthfulness of the testimony of the eyewitness is shrouded in grave clouds of suspicion and falsity, the court may disbelieve that witness or may look for such corroboration of his evidence which are capable of removing the blemish from his evidence. However, the contradictions and omissions which are not material regards being to the facts of the case, those can be overlooked.

17. It is settled principle of criminal law jurisprudence that the more serious the offence, the stricter the degree of proof, since a higher degree of assurance is required to convict the accused. Though it is neither possible nor prudent to have a straight jacket formula or principle which would apply to all cases without variance and every case has to be appreciated on its own facts and in light of the evidence led by the parties. It is for the court to examine the cumulative effect of the evidence in order to determine whether the prosecution has been able to establish its case beyond reasonable doubt or that the accused is entitled to the benefit of doubt.

CONCLUSION

18. Needless to say that in a criminal trial the burden to prove its case entirely lies on the prosecution which is quite heavy and it is for the prosecution to prove its case beyond all

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reasonable doubt and it is not for an accused to prove his defence and in my opinion the prosecution has failed to prove the charges against the accused beyond the shadow of doubts in such circumstances of the case, there is nothing incriminating against the accused on the record and he is entitled to the benefit of doubt.

19. It is therefore,

ORDERED

That the accused namely Raju Singh, Pursottam Singh, Vashisth Narayan Singh & Mst. Indu Devi, facing trial in this case are hereby acquitted from the charge punishable u/s 302, 201/34 I.P.C. The bailors are also discharged from liabilities of their bail bonds.

20. File be consigned to Record Room after due recall of process; issued if any; and return of original Documents; if any; to the parties and seized article if any; be disposed of as per rule.

21. Let the copy of judgment be sent to Ld. District Magistrate, Motihari u/s 365 Cr.P.C. and and be also uploaded on District Court's website immediately.

Dated: The 15th day of July 2026

Rajendra Kumar Sinha
Additional Sessions Judge- V
Civil Court, Motihari

This judgment has been written, corrected, signed, dated and pronounced by me in open court today i.e., on dated 15-07-26 and contains eight one pages including one page as an appendix (Form-C) each bearing my signatures thereof.

Dated: The 15th day of July 2026

Rajendra Kumar Sinha
Additional Sessions Judge- V
Civil Court, Motihari

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FORM - C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
PW-01	Manoj Pandey	Other Witness
PW-02	Mohan Dubey	Other Witness
PW-03	Manisha Kumari	Other Witness
PW-04	Shailendra Kumar Singh	Other Witness
PW-05	Sajjan Kumar Singh	Other Witness
PW-06	Niraj Kumar Singh	Other Witness
PW-07	Brij Kishore Singh	Other Witness

B. Defence Witnesses: NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Exhibit P-1/PW-01	Signature of Manoj Pandey on Final Form
2.	Exhibit P-2/PW-02	Signature of Mohan Dubey on Formal FIR
3.	Exhibit P-3/PW-04	Signature of informant on written application

Dated: The 15th day of July 2026

Rajendra Kumar Sinha
Additional Sessions Judge- V
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