

FORM-A

IN THE COURT OF SESSIONS JUDGE, EAST CHAMPARAN at MOTIHARI	
<u>PRESENT: ABHISHEK K. DAS</u> <u>SESSIONS JUDGE</u>	
Date of Judgment :- 24th Day of April, 2026	
Case No. Session Trial No. 174 of 2016 C.I.S. No. 1307 of 2016	
Raxaul P. S. Case No. 202 of 2015 G.R. Case No. 768/2015	
INFORMANT	State of Bihar (Through the informant- Sanjay Kumar Singh)
REPRESENTED BY	Sri Shambhu Sharan Singh, Add. P.P.
ACCUSED	1. Bir Samsher Singh , aged about 60 years, S/o- Ramauwtar Singh. 2. Balister Singh , aged about 58 years, S/o- Ramauwtar Singh. 3. Majister Singh , aged about 70 years, S/o- Ramauwtar Singh. 4. Munna Singh , aged about 45 years, S/o- Majister Singh. All resident of village- Kanana, P.S. Raxaul, District- East Champaran.
REPRESENTED BY	(1) Sri Awanish Kumar, Advocate.

FORM – B

Date of offence	21.08.2015
Date of FIR	21.08.2015
Date of Charge Sheet	27.11.2015
Date of Framing of Charges	18.05.2016
Date of commencement of evidence	22.03.2025
Date of which Judgment is reserved	18.04.2026
Date of the Judgment	24.04.2026
Date of Sentencing order, if any	N/A

Accused Details

Rank of the Accused	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.
A1	Bir Samsher Singh	18.10.2015	05.01.2016	447/34, 323/34, 324/34, 341/34, 307/34, 504/34, IPC	Acquitted		
A2	Balister Singh	18.10.2015	06.11.2015	447/34, 323/34, 324/34, 341/34, 307/34, 504/34, IPC	Acquitted		
A3	Majister Singh	23.11.2015	11.12.2015	447/34, 323/34, 324/34, 341/34, 307/34, 504/34, IPC	Acquitted		
A4	Munna Singh	22.08.2015	27.08.2015	447/34, 323/34, 324/34, 341/34, 307/34, 504/34, 379 IPC	Acquitted		

J U D G M E N T

1. All the four accused persons, namely, (A-1) Bir Samsher Singh, (A-2) Balister Singh, (A-3) Majister Singh and (A-4) Munna Singh are facing trial for the offences U/S 447/34, 323/34, 324/34, 341/34, 307/34, and 504/34 of the Indian Penal Code (hereinafter I.P.C.) additionally accused (A-4) Munna Singh is also facing trial for the offence u/s 379 of IPC.

2. As per F.I.R., based on hand written application dated 21.08.2015 signed by the informant- Sanjay Kumar Singh addressed to the Officer in-Charge, Raxaul,

Motihari stating therein that on 21.08.2015 at around 7:00 PM, when he was sitting at his door, suddenly (A-1) Shamsheer Singh and (A-2) Balister Singh came with sticks and rods in their hand and started beating and abusing him. The petitioner (A-1) Samsher Singh, with intention to kill, inflicted rod blow on his head, due to which he sustained head injury with oozing blood. The petitioners, (A-4) Munna Singh and (A-3) Majister Singh came with the rod in their hand and all the accused persons together started beating him which made him unconscious. People nearby gathered on hearing the noise and seeing this all the accused persons ran away. While running away, (A-4) Munna Singh took Rs. 1,200/- from his pant's pocket. People nearby admitted him to the Raxaul Hospital for his treatment. There was water on the door and bricks were being uprooted to drain the water, due to this, these people started attacking with the intention of killing.

3. On the basis of hand written application of the informant- Sanjay Singh dated 21.08.2015, addressed to Officer in-Charge, Raxaul, Motihari, the F.I.R. bearing Raxaul P.S. Case No. 202 of 2015 dated 21.08.2015 was registered against four accused persons, as named in the F.I.R., for the offences U/S 447/34, 341/34, 323/34, 324/34, 307/34, and 379/34 of the I.P.C. After completion of investigation, police submitted charge-sheet No.272/2015 dated 27.11.2015 against all the four accused persons, as named in Column No.11 of the charge sheet, for the offences U/S 341, 323, 324 and 307/34 of the I.P.C. On the basis of the materials available in the case diary, learned S.D.J.M., Raxaul at Motihari, East Champaran, Motihari vide order dated 05.12.2015, has taken cognizance against the all the accused persons, as named in column no.11 of the charge-sheet, for the offences U/S 341, 323, 324 and 307/34 of the I.P.C.. The case was committed to the court of Session on 15.02.2016 and the same has been received in this court on 22.02.2016 and registered as Session Trial No. 174 of 2016.

4. On 18.05.2016 charges U/S 447/34, 323/34, 324/34, 341/34, 307/34, 504/34 of IPC was framed against all the four accused persons additionally charge u/s 379 of IPC was also framed against the accused (A-4) Munna Singh. The contents of charges were read over and explained to them in Hindi to which they pleaded not guilty and claimed to be tried.

5. On behalf of the prosecution, six witnesses, has been examined. These are:

PW1	Saroj Kumar Singh
PW2	Neeraj Singh
PW3	Jainath Mahto
PW4	Sunil Mahto
PW5	Sanjay Singh
PW6	Dr. Amerandra Kumar Singh

Despite summons, the prosecution failed to produce the I.O. as witness.

6. The prosecution has also produced documentary evidence. These are:

Sr. No.	Exhibit Number	Description
1.	Exhibit-1	Signature of informant Sanjay Singh (PW-5) on the written application
2.	Exhibit-2	Injury report of Sanjay Singh (PW-5) prepared by the Dr. Sanjay Kumar.

7. The accused persons in their statements recorded U/S 313 of the Cr.P.C. have denied the evidence adduced on behalf of the prosecution and they have pleaded their innocence.

8. On behalf of the defence/accused persons, neither any oral nor any documentary evidence has been adduced.

9. Now, the point for determination is whether the prosecution has been able to substantiate the charges as levelled against the accused persons beyond all reasonable doubts?

FINDINGS

10. PW-1 Saroj Kumar Singh is the villager of the informant. He has deposed before the court on 22.03.2025 and has stated that the informant Sanjay Singh had given an application in Raxaul Police Station on which Raxaul P.S. Case No. 202 of

2015 was registered. The application was written by him as a scribe. It bears his signature and he recognize it. It was marked as Exhibit-1. He has further deposed that he does not know about the incidence and he did not testify before the police. On the request of Public Prosecutor, the witness has been declared hostile.

In cross examination on behalf of the prosecution, this witness has denied the suggestion to that he had given statement to police and had stated before the police that on 21.08.2015 about 7:00 P.M., when Sanjay Kumar Singh was sitting at his front-yard. All the accused persons came with sticks and rods and started hitting him and (A-4) Munna Singh took the money from the pocket of Sanjay Singh and Sanjay Singh was badly injured in that incident. He has identified that (A-4) Munna Singh and (A-1) Samsher Singh present in the court. He has stated nothing significant in his evidence.

11. PW-2 Neeraj Singh has deposed before the court on 22.03.2025 and has stated in his examination-in-chief that he did not know anything about the incidence and he did not testify before the police. On the request of Public Prosecutor, the witness has been declared hostile.

In cross examination on behalf of the prosecution, this witness has denied the suggestion to that he had given statement to police and had stated before the police that on 21.08.2015 about 7:00 P.M., when Sanjay Kumar Singh was sitting at his front-yard. All the accused persons came with sticks and rods and started hitting him and (A-4) Munna Singh took the money from the pocket of Sanjay Singh and Sanjay Singh was badly injured in that incident. He has identified that (A-4) Munna Singh and (A-1) Samsher Singh present in the court. He has stated nothing significant in his evidence.

12. PW-3 Jainath Mahto has deposed on 22.03.2025 and has stated in his examination-in-chief that he did not know anything about the incidence and he did not testify before the police. On the request of Public Prosecutor, the witness has been declared hostile.

In cross examination on behalf of the prosecution, this witness has denied the suggestion to that he had given statement to police and had stated before the police that on 21.08.2015 about 7:00 P.M., when Sanjay Kumar Singh was sitting at his front-yard. All the accused persons came with sticks and rods and

started hitting him and (A-4) Munna Singh took the money from the pocket of Sanjay Singh and Sanjay Singh was badly injured in that incident. He has identified that (A-4) Munna Singh and (A-1) Samsher Singh present in the court. He has stated nothing significant in his evidence.

13. PW-4 Sunil Mahto has deposed before the court on 25.03.2025 and has stated in his examination-in-chief that he did not know anything about the incidence and he did not testify before the police. On the request of Public Prosecutor, the witness has been declared hostile.

In cross examination on behalf of the prosecution, this witness has denied the suggestion to that he had given statement to police and had stated before the police that on 21.08.2015 about 7:00 P.M., when Sanjay Kumar Singh was sitting at his front-yard. All the accused persons came with sticks and rods and started hitting him and (A-4) Munna Singh took the money from the pocket of Sanjay Singh and Sanjay Singh was badly injured in that incident. He has identified that (A-4) Munna Singh and (A-1) Samsher Singh present in the court. He has stated nothing significant in his evidence.

14. PW-5 Sanjay Singh is the informant. He has deposed on 25.03.2025 and has stated in his examination-in-chief that in the evening of 21.08.2015 he was sitting at his front-yard. Suddenly the accused persons came with rod and sticks in their hand and started abusing him. On protest, the petitioners with intention to kill inflicted the rod blow on his head, due to which he sustained head injury with oozing blood. He also stated that Munna Singh and Majister Singh came with the rod in their hand and started beating him due to which he became unconscious. People nearby gathered on hearing the noise and seeing this all the accused persons ran away and took money from his pocket. The main reason of the incident is water drainage. He got Saroj Singh to write an application, got it read and understood and then signed it. He recognized the application and signed it. It was marked Exhibit-1. He has identified that (A-4) Munna Singh and (A-1) Samsher Singh present in the court

In cross-examination, this witness has stated that the petitioners are his father, uncles and brothers. During the conversation, he slipped on a drain and fell. His head hit the asbestos, resulting in cut and bleeding. No one had hit him.

Influence by the villager's talk, he told the name of the petitioners. When he learned the truth that they were innocent, he reconciled with them. He didn't read the application for F.I.R., he had only signed it. The money had fallen at the place of incident, and it was later recovered.

15. PW-6 Dr. Amrendra Kumar Singh is a doctor. He has deposed before the court on 06.08.2025 and has stated that on 21.08.2015 he was posted as a Medical Officer at PHC Raxaul, East Champaran. At that time Dr. Sanjay Kumar was also posted at PHC, Raxaul. Now Dr. Sanjay Kumar is expired. On 21.08.2015, Dr. Sanjay Kumar examined injured Sanjay Singh, aged about 80 years Male, S/o- Majister Singh, R/o- Kanana, P.S. Raxaul, District- Raxaul, East Champaran. He found Sharp cut injury over back of head near occipital region and whole body ache. The nature of injury is sharp cut injury caused by sharp instrument or hard and blunt substance and the age of injury is within six hours. He also stated that the injury report was prepared by Dr. Sanjay Kumar. He identified his writing and signature which is marked as exhibit-P-2. The petitioner has old cut mark on the back of his neck.

In cross-examination, this witness has stated that the patient was not examined by him and injury report was not prepared in his presence.

16. During argument, ld. counsel on behalf of the accused persons submitted that accused persons are innocent and they have falsely been implicated in this case. He further submitted that the prosecution has examined six witnesses out of them PW-1, PW-2, PW-3 and PW-4 have not supported the prosecution case and have been declared hostile and the evidences of rest witnesses are not at all credible. It is further submitted that both the parties have compromised the case and the prosecution has failed to adduce the evidence of I.O. Therefore, the accused persons deserve acquittal.

17. Per contra, Ld. P. P. has submitted that all the witnesses have corroborated the version of F.I.R. and supported the prosecution case and this is a fit case for conviction.

18. From perusal of the materials/evidences available on the record, it transpires that, as per prosecution's case, on 21.08.2015 at around 9:30 AM the

petitioners came at his front-yard and started beating and abusing him. There is specific allegation against the petitioner Bir Samsher Singh that he inflicted the rod on the head of informant, due to which he sustained injury and blood started oozing from the wound. Thereafter, all the petitioners together started beating him due to which he became unconscious and while running away after seeing the people nearby the petitioner Munna Kumar took out money from his pocket.

But, In the prosecution evidence, the material witnesses have not supported in the case rather all the four material witnesses have been declared hostile. It is trite law that testimony of hostile witness is not to be discarded wholly rather the reliable portion of the statement has to be culled out and to be used in evidence. In the present case, all the three material witnesses have stated nothing significant, as such no part of their testimony is being relied upon. The informant (PW-5) has supported the prosecution case in his examination in chief to some extent but in his cross examination he has categorically denied to be assaulted by any of the accused persons rather as per para-7 of his cross examination he stated that he slipped on the drain, in the course of talk between the parties and he has hit his head on asbestos which resulted in injury and bleeding. He has stated that the accused persons are his father, uncles and brothers and he has compromised the case with them. The medical witness Dr Amerandra Kumar Singh has deposed as PW-6 and he has stated that the injury report was prepared by Dr. Sanjay Kumar. The nature of injury is not clear as he has stated that injuries are caused by sharp instrument or hard and blunt substance. In his cross examination, he has categorically stated that the patient was not examined by him and the injury report was also not prepared in his presence. Except the written application for F.I.R. and injury report of Sanjay Singh, there is no any documentary evidence on behalf of the prosecution.

The entire evidence adduced by the prosecution, oral as well as documentary, does not pin the accusation in substantive way against any of the accused persons. The evidence is feeble and insufficient to be relied upon. The prosecution has failed to prove the case beyond reasonable doubts.

ORDER

It is, therefore, ordered that all the four accused persons, namely, **(1) Bir Samsher Singh, (2) Balister Singh, (3) Majister Singh and (4) Munna Singh** are acquitted from the charges **U/S 447/34, 323/34, 324/34, 341/34, 307/34, and 504/34 of the Indian Penal Code** and the accused **(4) Munna Singh** is also acquitted from the **charge u/s 379 of IPC**. Liability of bail bond of bailors is extended for 6 months in terms of Section 437-A Cr.P.C.

Send a copy of this judgment to the District Magistrate, East Champaran in terms of Section 365 Cr.P.C.

(Dictated)

Sd/-

(Abhishek K. Das)
Sessions Judge

East Champaran at Motihari
Dated: 24.04.2026

The Judgment and order have been dictated, corrected, pronounced, signed and dated by me in the open court in presence of both parties.

Sd/-

(Abhishek K. Das)
Sessions Judge

East Champaran at Motihari
Dated: 24.04.2026

Appendix

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)
PW1	Saroj Kumar Singh	Eye witness/ (Hostile)
PW2	Neeraj Singh	Eye witness/ (Hostile)
PW3	Jainath Mahto	Eye witness/ (Hostile)
PW4	Sunil Mahto	Eye witness/ (Hostile)
PW5	Sanjay Singh	Eye witness/Informant
PW6	Dr. Amerandra Kumar Singh	Medical witness- (Formal)

B. Defence Witnesses, if any: Nil.

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Nil	

C. Court Witnesses, if any: Nil.

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Nil	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Exhibit-1	Signature of informant Sanjay Singh (PW-5) on the written application
2.	Exhibit-2	Injury report of Sanjay Singh (PW-5) prepared by the Dr. Sanjay Kumar.

B. Defence: Nil.

Sr. No.	Exhibit Number	Description
1.		Nil

C. Court Exhibits : Nil.

Sr. No.	Exhibit Number	Description
1.		Nil

D. Material Objects: Nil.

Sr. No.	Material Number	Object	Description
1.			Nil

(Dictated)

Sd/-

(Abhishek K. Das)
Sessions Judge
East Champaran, Motihari

Date of Judgment / Order	24.04.2026
Date of Reserving Judgment / Order	18.04.2026
Uploading Date	25.04.2026
Uploaded by	Adarsh Anand