

IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE - I EAST CHAMPARAN, MOTIHARI. PRESENT :- Sri Surendra Prasad District and Additional Sessions Judge –I East Champaran, Motihari. Date of Judgment-The 13th Day of May’ 2026. <u>Session Tr. No. 149 of 1996</u> <u>C.I.S. No. 2885 of 2016</u> <u>(Arising out of Kesariya P.S Case No. 12 of 1995)</u>	
INFORMANT	State of Bihar (Through the informant Hira Sah)
REPRESENTED BY	Sri Ishwar Chandra Dubey, Addl. P.P.
ACCUSED	1. Ashok Sah s/o- Sri Meghu Rai, aged about 59 years, 2. Santosh Kumar, s/o- Harishchandra Prasad, aged about 50 years Both are r/o Vill- Kesariya Purani Bazar, P.S.- Kesariya, District- East Champaran
REPRESENTED BY	Sri Rup Narayan Singh Ld. Counsel for the Accused

Accused Details

Rank of the Accused	1 & 2
Name of Accused	Ashok Sah and Santosh Kumar
Date of Arrest or surrender	Accused Ashok Sah surrendered on 17.05.1995 and Santosh Kumar surrendered on 22.05.1995
Date of Release on Bail	Accused Ashok Sah released on 17.05.1995 and Santosh Kumar released on 22.05.1995.
Offences Charged with	u/s 307, 323, 324, 341 read with 34 of I.P.C.
Whether Acquitted or Convicted	Acquitted
Sentence Imposed	

Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.-	
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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-1	Manoj Pandey	Witness of facts

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	None	

LIST OF PROSECUTION/DEFENCE COURT EXHIBITS

A. Prosecution

Sr. No	Exhibit Number	Description
1	Exhibit-P-1	

District & Addl. Sessions Judge - I
East Champaran, Motihari
Dated:-13.05.2026

J U D G M E N T

1. The above named accused stand charges for the offences punishable under Section 307, 323, 324, 341 read with 34 of I.P.C. The charges were read over and explained to the accused persons in Hindi to which they pleaded not guilty and claimed to be tried.
2. The case of the prosecution in brief as stated by the informant is that on the day of occurrence informant was sitting at the tea shop in the meantime accused Alok Kumar came there and put pressure on him to vote in favour of Pupils Party. On refusal by the informant on 19.03.1995 all the accused persons came there and accused Ashok Sah and Santosh

Kumar caught the informant. Alok Kumar assaulted him with knife on his stomach with intention to kill him due to which informant fell down. Prabhat Kumar, Shyambabu Prasad and Rajesh Kumar came to rescue him then accused persons also assaulted them. Nearby people came and rescued them.

3. On the basis of aforesaid written report of the informant this case was registered as Kesariya P.S. Case No. 12 of 1995 Under Section 323, 324, 307, 341 read with 34 of the I.P.C. After investigation, charge-sheet was submitted by the police against the accused persons under section 341, 323, 324, 307 read with 34 of I.P.C. Accordingly, cognizance of the offence was taken by the then Learned C.J.M., East Champaran, Motihari under section 341, 323, 324, 307 read with 34 of I.P.C. against the above named accused. Thereafter, the case was committed to the Court of Sessions. The charges were framed against the above named accused persons under section 341, 323, 324, 307 read with 34 of I.P.C. and the case proceeded for trial. In the meantime vide order dated 25.06.2025 record of accused Alok Kumar was separated from this record.

4. The defence of the accused persons in his statement recorded U/S 313 of the Cr.P.C. is stated that they are innocent and have not committed any offence and have been falsely implicated in this case.

5. Now, the only point arises for determination is that whether the prosecution has been able to bring home the guilt of the accused persons on trial beyond the shadow of all reasonable doubts or not ?

FINDINGS

6. In order to substantiate the charge, the prosecution has examined only one witnesses in this case as **PW.1 is Manoj Pandey** who appears to be a formal witness. This witness has proved the formal F.I.R. which has been marked as Exhibit-1. During his cross-examination he has stated that the same was not written in his presence nor he knows about the contents of the F.I.R.

7. The accused persons have been examined U/S 313 of the Cr.P.C. in which they have again reiterated their innocence.

8. During the course of the argument the learned Counsel appearing on behalf of the defence has submitted that the only one witness examined on behalf of the prosecution who happens to be the formal witness. In the end it has been prayed on behalf of the defence to acquit the accused.

Whereas the learned Additional Public Prosecutor has also submitted that the only one witness has been examined who who happens to be the formal witness and has prayed to dispose of the case on the basis of materials available on the record.

9. From the analysis and appreciation of the aforesaid facts, circumstances and evidence available on record as discussed above, I find that only one witnesses in this case as **PW.1 is Manoj Pandey** who appears to be a formal witness. From perusal of the record it also appears that no other witnesses have been examined by the prosecution. This case was registered on 25.03.1995 and charge-sheet was submitted on 21.08.1995. Cognizance of the offence was taken on 23.03.1996 under section 341, 323, 324, 307 read with 34 of I.P.C and thereafter this case was committed to the Court of sessions. Charges under section 341, 323, 324, 307 read with 34 of I.P.C was framed on 29.08.2012 and since then the case remained pending for the appearance of the prosecution witness. From perusal of the record it also appears that several times processes have been issued by the Court for the appearance of the prosecution witnesses and prosecution has failed to produce any other witness. In the end the prosecution evidence was closed on 04.05.2026. This is a very old case aged about more than 30 years and it is not in the interest of justice to keep pending such kind of cases.

Obviously there is no substantive evidence in this case to connect the accused with the alleged crime where the prosecution could examine only one witness which is also only formal in nature.

10. Thus, from the facts and circumstances of the case and the evidence available on record as discussed above, the witness examined on behalf of the prosecution which is also only formal witness and thus, the charges under section 341, 323, 324, 307 read with 34 of I.P.C has not been proved by the prosecution. Thus, in my considered opinion, I am of the view that

the prosecution has miserably failed in bringing home the guilt of the accused persons beyond the shadow of all reasonable doubts.

12. In the result, I find and hold that the accused persons namely Santosh Kumar and Ashok Kumar are found not guilty of the charges. Hence they are acquitted of the charges under section 307, 323, 324, 341 read with 34 of I.P.C. They are set at liberty and discharged from the liability of their respective bail bonds.

Dictated and corrected by me,

(Surendra Prasad),
District and Addl. Sessions Judge-I,
East Champaran, Motihari
Date :-13.05.2026.