

**IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- V**

**MOTIHARI, EAST CHAMPARAN**

**Sessions Trial No- 953 of 2025**

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

Patahi P.S. No. 80/2015  
State of Bihar Vs Rita Singh  
Date of Judgment → 23-04-2026

**FORM – A**

<p><b><u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE- V, MOTIHARI</u></b></p> <p><b><u>DISTT- EAST CHAMPARAN (BIHAR)</u></b></p> <p><b>Present: Rajendra Kumar Sinha</b></p> <p><b>Addl. Sessions Judge- V</b></p> <p><b>Civil Court, Motihari</b></p> <p><b><u>Date of Judgment: 23-04-2026</u></b></p> <p><i>[Sessions Case No. 953/2025]</i></p> <p><i>(Patahi P.S. Case No. 80/2015)</i></p> <p><u><i>u/s 147, 148, 149, 341, 342, 323, 324, 387, 436, 458, 504, 506, 120(B) of the I.P.C.</i></u></p>	
COMPLAINANT	State of Bihar Through: Ram Babu Rai
REPRESENTED BY	Ld. APP Sri S. C. Pd. Yadav
ACCUSED	Rita Devi, aged about 51 years W/O Late Jitendra Singh R/O Betauna, P.S.- Patahi, Distt- East Champaran
REPRESENTED BY	Ld. Adv. Sri Rakesh Kumar

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**FORM- B**

Date of Offence	29-05-2015
Date of FIR	30-05-2015
Date of Charge-sheet	09-07-2025
Date of Framing of Charges	08-08-2025
Date of commencement of evidence	22-08-2025
Date on which judgment is reserved	15-04-2026
Date of the Judgment	23-04-2026

**Accused Details:**

S. No.	Name of Accused	Date of Arrest	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.	Rita Devi	17-04-25	-	147, 148, 341 342, 324,323, 384, 436, 120(B), 504, 506, 465, 366, 467, 468, 471, 474/149, I.P.C. and 17 of C.L. Act and 10,11, 12 of 4 A.P. Act	Acquitted	N.A.	N.A.

**JUDGMENT**

1. The above-named sole accused has been committed to trial for the offences punishable u/s 147, 148, 143, 341, 342, 323, 324, 387, 436, 504, 506, 120(B), 465, 466, 467, 468, 471, 474, of the I.P.C. and 17 C.L.A. Act and 10, 11, 13 of U.A.(P) Act.

**FACTUAL BACKGROUND**

2. The facts of the case, as revealed from the written application, in brief, is that on dated 29-05-15 around 10:30 pm, six miscreants on three motorcycles came at under constructed bridge on Dumari Baiju Motiya river, brutally assaulted the staff of informant and also set fire the construction company resulting loss of 30-40 lacs to the company. Earlier, to the construction work of company was hampered by the accused persons, claiming themselves to be members of MCC for demand of ransom.

3. On the basis of written statement of informant, Patahi P.S. case No. 80/2015 dated 30-05-

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2015 for offence u/s 147, 148, 149, 341, 342, 323, 324, 387, 436, 458, 504, 506, 120(B) of the I.P.C. was registered and after completion of investigation, charge-sheet bearing No. 623/2025 dated 09-07-2025 were submitted on 15-07-2025 against the accused and subsequently, on same day prima-facie case for the offence punishable u/s 147, 148, 143, 341, 342, 323, 324, 387, 436, 504, 506, 120(B), 465, 466, 467, 468, 471, 474 I.P.C. and 17 CLA Act and 10/11/13 of U.A.(P) Act was taken against her.

4. After supply of complete sets of police copies to the accused on 25-07-2025, the case record was committed to Court of Sessions, Motihari, accordingly, Sessions Case No. 953/2025 was instituted 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 the sides, charge was framed for the offence punishable u/s 147, 148, 341 342, 324,323, 384, 436, 120(B), 504, 506, 465, 366, 467, 468, 471, 474/149, I.P.C. and 17 of C.L. Act and 10,11, 12 of 4 A.P. Act against the accused and the same was read over and explained to her in Hindi on 08-08-25 to which she pleaded not guilty and claimed trial. Accordingly, the case was fixed for prosecution evidence.

6. The statements of the accused was recorded on 10-03-26 u/s 313 Cr.P.C in accordance with sec- 281 Cr.P.C, wherein, all the incriminating materials had been put to her in her vernacular language to which she stated that she has been falsely implicated in the present case and is innocent. Defence has also not put any evidence.

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

**DECISION AND REASONS FOR THE DECISION**

8. In the present case all together six witnesses were proposed to be examined by the prosecution and not only ample of opportunities were given to prosecution to produce the witnesses before the court for their examination, the court itself issued various processes to secure their attendance but it was futile and the case was running for Prosecution Evidence since 22-08-2025 and finally it was closed on 18-02-26 though the accused remained in the judicial custody, with a prospect that the prosecution has failed to produce any of it's witness.

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9. Prosecution case may be true but criminal jurisprudence says that prosecution case must be true. There is a long distance between “may be true” and “must be true”. It is cardinal principle of criminal jurisprudence that an accused is presumed to be innocent. The burden lies on the prosecution to prove the guilt of accused beyond reasonable doubt. The prosecution is under a legal obligation to prove each and every ingredient of offence beyond any doubt, unless otherwise so provided by any statute. This general burden never shifts, it always rests on the prosecution. [**Daya Ram v. State of Haryana, (P&H) (DB), 1997(1) R.C.R. (Criminal) 662**] & **Ashish Batham vs State AIR 2002 SC 3206.**]

10. As far back as in 1957, Hon’ble Supreme Court has said, in **Sarwan Singh Rattan Singh vs State of Punjab** that,

*“The prosecution story may be true; but between 'may be true' and 'must be true' there is inevitably a long distance to travel and the whole of this distance must be covered by legal, reliable and unimpeachable evidence.”*

11. Similarly, in **Dasari Siva Prasad Reddy vs. The Public Prosecutor**, Hon’ble Supreme Court has observed, A strong suspicion, no doubt, exists against the appellant but such suspicion cannot be the basis of conviction, going by the standard of proof required in a criminal case. The distance between 'may be true' and 'must be true' shall be fully covered by reliable evidence adduced by the prosecution.

12. In a criminal trial, the burden of proving everything essential to the establishment of the charge against an accused always rests on the prosecution and there is a presumption of innocence in favour of the accused until the contrary is proved. Criminality is not to be presumed, subject of course to some statutory exceptions.

**CONCLUSION**

13. 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 reasonable doubt and it is not for an accused to prove his defence. The prosecution case must stand on its legs and the prosecution can't take benefit of the weakness in defence

14. It is therefore;

**ORDERED**

That, the accused persons namely **Rita Devi** facing trial in this case are hereby acquitted from the charge punishable u/s 147, 148, 143, 341, 342, 323, 324, 387, 436, 504, 506, 120(B), 465,

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466, 467, 468, 471, 474, of the I.P.C. and 17 C.L.A. Act and 10, 11, 13 of U.A.(P) Act. Since the accused is in Judicial Custody, hence, it is directed that she be released forthwith, if not required in any other case.

15. 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.

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

Sd/-

Dated: The 23<sup>rd</sup> day of April 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 23-04-26 and contains five pages each bearing my signatures thereof.*

Sd/-

Dated: The 23<sup>rd</sup> day of April 2026

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