

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

Sessions Trial No- 668 of 2019

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

Palanwa P.S. No. 45/2014
State of Bihar Vs Sripati Devi & Ors.
Date of Judgment → 09-07-2026

FORM – A

<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE- V, MOTIHARI</u> <u>DISTT- EAST CHAMPARAN (BIHAR)</u> Present: Rajendra Kumar Sinha Addl. Sessions Judge- V Civil Court, Motihari <u>Date of Judgment: 09-07-2026</u> <i>[Sessions Case No- 668/2019]</i> <i>(Palanwa P.S. Case No- 45/2014)</i> <i>u/s 304(B), 201/34 of the I.P.C.</i>	
COMPLAINANT	State of Bihar Through: Prabhu Sah
REPRESENTED BY	Ld. Addl. P.P. Sri Suresh Ram
ACCUSED	(i) Sripati Devi, aged about 70 yrs. (A-1) W/O Late Mangani Sah (ii) Ram Narayan Sah @ Narayan Sah, aged about 35 yrs. (A-2) S/O Shambhu Sah (iii) Sanjay Sah, aged about 42 yrs. (A-3) (iv) Mohan Sah, aged about 40 yrs. (A-4) Both S/O Late Mangani Sah All R/O Vill- Bari Tola Jagdhar, P.S. Palanwa, District- East Champaran
REPRESENTED BY	Ld. Advocate Sri Sanjay Kumar Verma

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FORM- B

Date of Offence	07-06-14
Date of FIR	08-06-14
Date of Charge-sheet	19-07-19
Date of Framing of Charges	27-01-20
Date of commencement of evidence	25-02-20
Date on which judgment is reserved	02-07-26
Date of the Judgment	09-07-26

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.	Sripati Devi	03-11-18	03-11-18	304(B), 302, 201 r/w 34 I.P.C.	Acquitted	-NA-	-NA-
2.	Ram Narayan Sah	-Do-	-Do-	-Do-	Acquitted	-NA-	-NA-
3.	Sanjay Sah	-Do-	-Do-	-Do-	Acquitted	-NA-	-NA-
4.	Mohan Sah	-Do-	-Do-	-Do-	Acquitted	-NA-	-NA-

JUDGMENT

1. The above-named accused persons have been committed to trial for the offences punishable u/s 304(B), 302, 201/34 of the I.P.C.

FACTUAL BACKGROUND

2. The facts of the case, in brief, is that one year prior to the incidence, the informant had married his daughter with one Ramesh Sah, but soon after the marriage, the accused persons started ill treating & torturing his daughter for demand of dowry. The informant, however, tried to fulfill the demands of accused persons, but, their greed escalated and finally for demand of dowry, they killed her & cremated the dead body without informing, the informant.

3. On basis of written statement of the informant, Palanwa P.S. case No. 45/2014 dt. 08-06-14

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for offence u/s 304(B), 201/34 I.P.C. was registered and after completion of investigation, supplementary charge-sheet bearing No- 13/2019 dated 19-07-19 was submitted against the accused persons on 17-10-19, subsequently prima-facie case for the offence punishable u/s 304(B), 201/34 of I.P.C. was taken against them.

4. After supply of complete sets of police copies to the accused persons on 28-11-19, the case record was committed to Court of Sessions, Motihari, accordingly, Sessions Case No- 668/2019 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 304(B), 302, 201 r/w 34 I.P.C. against the accused persons and the same was read over & explained to them in Hindi on 27-01-20 to which they pleaded not guilty and claimed trial. Accordingly, the case was fixed for prosecution evidence.

6. The statements of the accused persons was recorded on 02-07-26 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, to which, they stated that they have been falsely implicated in the present case and are 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 persons?

DECISION AND REASONS FOR THE DECISION

8. In the present case all together nine 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, whereas the case was running for Prosecution Evidence since 25-02-20 and finally, it was closed on 08-06-26, with a prospect, that the prosecution has failed to produce any of it's witness.

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

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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 Sripati Devi, Mohan Sah, Sanjay Sah and Ram Narayan Sah, facing trial in this case are hereby acquitted from the charges punishable u/s 304 (B), 302,

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201 r/w 34 I.P.C. and their bailors are also set free from the liabilities of their bail bonds.

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.

Dated: The 09th 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 09-07-26 and contains five pages each bearing my signatures thereof.

Dated: The 09th day of July, 2026

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