

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- V

MOTIHARI, EAST CHAMPARAN,

Sessions Trial No- 1037 of 2024.

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

Pakadidayal P.S. No. 181/2022
State of Bihar Vs Md. Osaid
Date of Judgment -> 27-05-2026

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: 27-05-2026</u> [Sessions Case No. 1037/2024] (Pakadidayal P.S. Case No. 181/2022) u/s 379 of the I.P.C.	
COMPLAINANT	State of Bihar Through: Suresh Bhagat
REPRESENTED BY	Ld. APP Sri S. C. Pd. Yadav
ACCUSED	Md. Osaid, aged about 28 years S/O Md. Kurban Miyan R/O Vill- Shikarganj, P.S.- Shikarganj, Distt- East Champaran
REPRESENTED BY	Ld. Adv. Sri Praveen Kumar



Rajendra
27-05-26

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FORM- B

Date of Offence	22-06-2022
Date of FIR	12-07-2022
Date of Charge-sheet	12-07-2024
Date of Framing of Charges	19-12-2024
Date of commencement of evidence	19-03-2025
Date on which judgment is reserved	25-05-2026
Date of the Judgment	27-05-2026

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.	Md. Osaid	29-02-24	-	379 & 413 I.P.C.	Acquitted	N.A.	N.A.

JUDGMENT

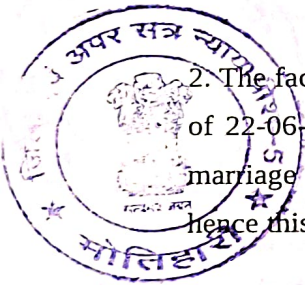
1. The above-named sole accused has been committed to trial for the offences punishable u/s 379 & 413 of the I.P.C.

FACTUAL BACKGROUND

2. The facts of the case, as revealed from the written application, in brief, is that in the evening of 22-06-22 parking his motorcycle near the house one Ramdeo Bhagat has gone to attend marriage ceremony and after the function, when returned there, didn't find his motorcycle, hence this case.

3. On the basis of written statement of informant, Pakadidayal P.S. case No. 181/2022 dated 12-07-22 for the offence u/s 379 I.P.C. was registered and after completion of investigation, charge-sheet bearing No. 178/2024 dated 07-07-24 was submitted on 12-07-24 against the accused and subsequently, on same day prima-facie case for the offence punishable u/s 379 & 413 I.P.C. was taken against him.

4. After supply of complete sets of police copies to the accused on 29-11-24, the case record was committed to Court of Sessions, Motihari, accordingly, Sessions Case No. 1037/2024 was



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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 379 & 413 I.P.C. against the accused and the same was read over and explained to him in Hindi on 19-12-24 to which he pleaded not guilty and claimed trial. Accordingly, the case was fixed for prosecution evidence.

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

PW-1 Baban Kumar, PW-2 Ashok Kumar, PW-3 Prakash Kumar & PW-4 Suresh Bhagat.

7. The statements of the accused was recorded on 16-04-26 u/s 313 Cr.P.C in accordance with sec- 281 Cr.P.C, wherein, all the incriminating materials had been put to him in his vernacular language to which he stated that he has been falsely implicated in the present case and is innocent. Defence didn't put any evidence.

8. 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

9. Having heard the lengthy arguments advanced by Ld. Additional P.P. for state as well as the Ld. Counsel for accused and have meticulously perused the material available on record.

10. Before going through the appreciating the evidences on record, I would like to state that it settled proposition of criminal law that prosecution has to prove its case on the judicial file beyond all reasonable doubts by leading reliable, cogent and convincing evidence and any such doubts in the prosecution story entitle the accused to acquittal. To constitute reasonable doubt, it must be free from an over emotional response. Doubts must be actual and substantial doubts as to the guilt of the accused person arising from the evidence or from the lack of it, as opposed to mere vague apprehensions.

11. It is worth mentioning that, the criminal jurisprudence of the country rests on the principle of proving the guilt of the accused beyond all reasonable doubt by the prosecution. There must not be any shadow of doubt on the truthfulness of the prosecution case. This being the cardinal



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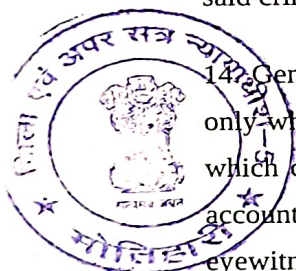
principle of criminal jurisprudence, we must scrutinize the evidence produced by the prosecution from all possible corners and must also test the veracity of the witnesses. If the witnesses are found as wholly reliable on the point of guilt of the accused then only the accused can be held as guilty of the alleged crime.

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.

13. In the present case all together four witnesses including the informant and the IO of the case were examined by the prosecution and although they supported the prosecution case i.e. theft of the said motorcycle but none of them except the IO i.e. PW-1, who has arrested the accused, could able to identify the accused before the court. Admittedly, neither the said stolen motorcycle was recovered nor any stolen articles in connection with any case recovered or produced before the court not the prosecution could able to establish that the accused was habitually dealing in stolen property. However, the Investigating Officer was first to be examine before the court but he except remanding the accused in the present case and submitting the charge-sheet against the accused has done nothing, thus nothing has been brought before the court to explain as how the accused facing the trial was connected with the said crime.

14. 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.

15. 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



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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

16. 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 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.

17. It is therefore,

ORDERED

That the accused namely Md. Osaid facing trial in this case is hereby acquitted from the charge punishable u/s 379 & 413 I.P.C. The bailors are also discharged from liabilities of their bail bonds.

18. 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.

19. 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 27th day of May 2026



This judgment has been written, corrected, signed, dated and pronounced by me in open court today i.e., on dt. 27-05-26 and contains six pages including one page as an appendix (Form-C) each bearing my signatures thereof.

Dated: The 27th day of May 2026

Rajendra
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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-1	Baban Kumar	Police Witness (IO)
PW-2	Ashok Kumar	Other Witness
PW-3	Prakash Kumar	Other Witness
PW-4	Suresh Bhagat	Informant

B. Defence Witnesses, if any: -No-

C. Court Witnesses, if any: -No-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

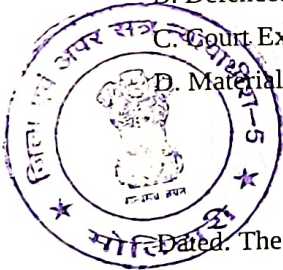
A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Exhibit-P-1/PW-1	Charge-sheet

B. Defence: -No-

C. Court Exhibits: -No-

D. Material Objects: -No-



Dated. The 27th day of May 2026

Rajendra
27.05.26
Rajendra Kumar Sinha
Additional Sessions Judge- V
Civil Court, Motihari