

Court of District & Addl. Sessions Judge I, Gopalganj

FORM A

COURT OF DISTRICT & Addl. SESSIONS JUDGE-I, Gopalganj.	
Present:- Sri Kailash Joshi, District & Addl. Sessions Judge-I, Gopalganj	
<u>S.Tr. 615/2016</u>	
(Arising out of Kateya, P.S Case No. 168/2014 dated 12.07.2014 u/s- 341, 323, 307 & 337/34 IPC)	
Complainant	STATE OF Bihar through, Informant Dharamnath Ram
REPRESENTED BY	Sri Upendra Kumar Rai, Ld. A.P.P.
ACCUSED PERSONS	1. Banarasi Ram @ Banshi Ram S/o- Late Somari Ram, aged about 80 years, Village Jamunaha, P.S. Kateya, District Gopalganj, Bihar. (died on 17.01.2025) 2. Anil Ram S/o- Late Harikishun Ram, aged about 42 years, Village Jamunaha, P.S. Kateya, District Gopalganj, Bihar. 3. Upendra Ram S/o- Late Harikishun Ram, aged about 36 years, Village Jamunaha, P.S. Kateya, District Gopalganj, Bihar. 4. Birendra Ram S/o- Late Harikishun Ram, aged about 39 years, Village Jamunaha, P.S. Kateya, District Gopalganj, Bihar.
REPRESENTED BY	Sri Raj Narayan Chaudhary, advocate for the defense.

FORM B

Date of offence	11.07.2014
Date of F.I.R.	12.07.2014
Date of Charge-sheet	30.12.2014
Date of Cognizance	16.01.2015
Date of Framing of Charges	15.07.2016
Date of commencement of evidence	15.04.2017
Date on which Judgment is reserved	18.02.2026
Date of Judgment	11.03.2026
Date of the Sentencing Order, if any	Acquitted

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Accused Details:

Rank of the Accused	Name of Accused	Date of surrender	Date of Release on Bail	Offences Charged with	Whether Acquitted or Convicted
1.	Anil Ram	21.07.2014	21.07.2014	U/s 341/34, 323/34, 307/34 & 337/34 IPC corresponding Sections 126(2)/3(5), 115(2)/3(5), 109/3(5) & 125(a)/3(5) BNS.	Acquitted
2.	Upendra Ram	21.07.2014	21.07.2014	U/s 341/34, 323/34, 307/34 & 337/34 IPC corresponding Sections 126(2)/3(5), 115(2)/3(5), 109/3(5) & 125(a)/3(5) BNS.	Acquitted
3.	Birendra Ram	21.07.2014	21.07.2014	U/s 341/34, 323/34, 307/34 & 337/34 IPC corresponding Sections 126(2)/3(5), 115(2)/3(5), 109/3(5) & 125(a)/3(5) BNS.	Acquitted

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)
P.W. 1	Dharam Nath Ram	Informant
P.W. 2	Gopalji Ram	Other Witness
P.W. 3	Chandradeo Ram	Other Witness
P.W. 4	Banarashi Ram	Other Witness
P.W. 5	Srimati Devi	Other Witness

B. Defence Witnesses, if any: NIL, C. Court Witnesses, if any:- NIL

LIST OF PROSECUTION / DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	NIL	

B. Defence: C. Court Exhibits: NIL, D. Material Objects: NIL.

J U D G M E N T

1. **Hazari has been filed on behalf of the accused.** Accused persons namely **Banarasi Ram @ Banshi Ram(died on 17.01.2025), Anil Ram, Upendra Ram & Birendra Ram** were sent up for trial on the basis of report under Section 173 of the

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Code of Criminal Procedure, 1973 (Cr.P.C) upon conclusion of investigation into First Information Report of **Kateya, P.S Case No. 168/2014 dated 12.07.2014 u/s- 341, 323, 307 & 337/34 IPC.**

2. The prosecution story in brief is that on 11.07.2014 at 08 pm informant namely Dharam Nath Ram was sleeping at this house. The above named accused persons were coming from their motorbike and they met with an accident into the cot of the informant. For this tussle was started between both the parties. The accused persons assaulted the informant by means of *lathi* and bricks. Hence, the FIR.

3. After investigation I.O. found the case true and submitted Charge-sheet **U/s 341, 323, 307 & 337/34 IPC.** After appearance of the accused persons Lower Court complying with Section 209 Cr.P.C. committed the case record on 16.05.2016 to the Court of Principal Sessions Judge, Gopalganj for trial and disposal to the Court of Ld. A.D.J.-VIII and ultimately this case record came to D.A.J.-I for trial and disposal on 08.09.2025.

Framing of Charge

4. After hearing the **Ld. A.P.P.** for the State and the learned counsel for the accused, charge for the commission of offence punishable **U/s 341/34, 323/34, 307/34 & 337/34 IPC corresponding Sections 126(2)/3(5), 115(2)/3(5), 109/3(5) & 125(a)/3(5) BNS on Banarasi Ram @ Banshi Ram(died on 17.01.2025), Anil Ram, Upendra Ram & Birendra Ram were framed on 15.07.2016** to which the accused persons did not plead guilty and claimed for trial.

Statement of Accused

5. After conclusion of prosecution evidence, statement of the accused persons U/s 313 of Cr.P.C was recorded on **24.02.2023** wherein the accused persons **Banarasi Ram @ Banshi Ram(died on 17.01.2025), Anil Ram, Upendra Ram & Birendra Ram** denied the correctness of all the incriminating circumstances appearing in the evidence against them and stated that they have been falsely implicated in the case.

FINDINGS

Prosecution Witnesses

6. To prove the above-mentioned charge against the accused, the prosecution has examined altogether 05 witnesses in the case namely **P.W.1 Dharam Nath Ram, P.W.2 Gopalji Ram, P.W.3 Chandradeo Rai, P.W.4 Banshi Ram & P.W.5 Srimati Devi** of the case have been examined.

Discussions of Prosecution Evidence

7. **P.W. 1 Dharam Nath Ram** is informant of the case

8. **P.W.2 Gopalji Ram** has not supported the case of the prosecution and has been declared hostile.

9. **P.W.3 Chandradeo Ram** has not supported the case of the prosecution and has been declared hostile.

10. **P.W.4 Banshi Ram** has not supported the case of the prosecution and has been declared hostile.

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11. **P.W.5 Srimati Devi** has been declared tender by the prosecution.

DEFENCE EVIDENCE

12. The accused lead no defence evidence in support of his defence.

Arguments of the Counsels

13. Heard the argument of the Ld. Counsels for the parties. The Ld. Counsel for the defence has submitted that prosecution has examined total 5 witness and out of them none of the witnesses have supported the prosecution case. Informant himself as P.W.1 has not supported the prosecution case so, actually it is the case of no evidence.

14. On the other hand **Ld. A.P.P.** representing the State has submitted that appropriate order to be passed on the material available on the record.

CONCLUSION & SCRUTINY OF ORAL EVIDENCE

15. In this case currently three accused persons **Anil Ram, Upendra Ram & Birendra Ram U/s 341/34, 323/34, 307/34 & 337/34 IPC corresponding Sections 126(2)/3(5), 115(2)/3(5), 109/3(5) & 125(a)/3(5) BNS** are facing the trial but earlier **Banarasi Ram @ Banshi Ram who was facing the trial died on 17.01.2025 so, his name is deleted from the record.**

16. The prosecution story in brief is that on 11.07.2014 at 08 pm informant namely Dharamnath Ram was sleeping at this door in his house then, his co-villagers namely Anil Ram, Birendra Ram, Upendra Ram and Banarasi Ram were coming from their motorbike and they met with an accident into the cot of the informant. For this tussle was started between both the parties. The accused persons assaulted the informant by means of *lathi* and bricks. Hence, the FIR.

17. During prosecution evidence total 5 witnesses have been examined excluding doctor and I.O. The FIR has been launched with the delay of one day with the occurrence date 11.07.2014 and the case has been registered on 12.07.2014. The case has been initiated in the Police Station without any explanation of delay. So, on the case of the prosecution is doubtful. Prompt reporting of the FIR is deemed to be true having less chance of manipulation of the story. P.W.1 has been examined on 15.04.2017 but he has been deferred for further examination. Thereafter N.B.W. has been issued for his presence. Thereafter the case has been proceeded for appearance of the accused due to cancellation of the bail bond on 12.09.2018 then, issue further NBW on the witnesses after securing the presence of the accused. The informant did not appeared. Gopalji Ram and Chandradeo Ram witnesses have been appeared on 08.02.2022 on relation of P.R. bond. They have also been examined as P.W.2 and P.W.3 but none of them has supported the prosecution case.

18. P.W.4 Banshi Ram has also been declared hostile and not supported the prosecution case.

19. P.W.5 Srimati Devi has also been declared hostile and not supported the prosecution case.

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20. There are only two paragraphs of P.W.1 which are material in paragraph no. 2 of P.W.1. He did not named anyone but has seen the occurrence. Similarly, doctor and I.O. has not been examined in this case. In this case the charge has been framed on 15.07.2016 thereafter 10 years time period passed, only 5 witnesses have been examined which is violation of right of speedy trial of the accused as well.
21. **Banarasi Ram @ Banshi Ram** is dead during trial and death certificate is filed in this case on 11.03.2026 i.e. today. In light of Section 353 Cr.P.C. sub Clause 6 proviso, one of the accused is in foreign country. Ld. Counsel has identified him since this is the case of acquittal so, judgment is also passed against him. If the record is to be separated then there shall be miscarriage of justice since 12 years time has already been lapsed after registration of the case.
22. This is the case of 2014. The charge has been framed in the year 2016, ten years time has been lapsed after framing of charge. That is sufficient punishment to the accused persons if any but the prosecution evidence totally shows that no offence of Sections **341/34, 323/34, 307/34 & 337/34 IPC corresponding Sections 126(2)/3(5), 115(2)/3(5), 109/3(5) & 125(a)/3(5) BNS** is made out. Doctor has not proved the injury report and Investigating Officer has also not been examined to support the place of occurrence. As a matter of fact of the ingredient of criminal trial date of occurrence, place of occurrence and manner of occurrence is not proved beyond the shadow of reasonable doubt.
23. Therefore, the prosecution has miserably failed to prove the charge of Sections **341/34, 323/34, 307/34 & 337/34 IPC corresponding Sections 126(2)/3(5), 115(2)/3(5), 109/3(5) & 125(a)/3(5) BNS against Anil Ram, Upendra Ram & Birendra Ram** beyond the shadow of reasonable doubt.
24. Therefore, the accused persons namely **Anil Ram, Upendra Ram & Birendra Ram U/s 341/34, 323/34, 307/34 & 337/34 IPC corresponding Sections 126(2)/3(5), 115(2)/3(5), 109/3(5) & 125(a)/3(5) BNS are acquitted.**

(Dictated to the Stenographer, transcript corrected, signed and then pronounced by me on this date the 11th Day of March, 2026)

Dictated and corrected by me

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(Kailash Joshi)
Additional Sessions Judge-I,
Gopalganj
11.03.2026

(Kailash Joshi)
Additional Sessions Judge-I,
Gopalganj
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