

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-II JAMUI
Session Trial No. 371/2013, CIS No.2004/2014
(Khaira P.S case no.-159/2005)

Present :- Sudhir Sinha

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District & Addl. Sessions Judge-II
Jamui

Date of Judgment:- 26.05.2026

S.Tr. No.-371/2013

Police Station :- Khaira
PS Case No. :- 159/2005
Under Section :- 395/397 IPC

State (Through *Informant Bechan Das*)

..... Prosecution.

V.

Munna Sah

.....Accused

Counsel for the State:- Sh. Manoj Kumar Singh, Addl.P.P.

Counsel for the Defence:- Sh. Chandradev Prasad Gupta, Advocate

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FORM B

Date of Offence	18.08.2005
Date of F.I.R.	19.08.2005
Date of Framing of charge	17.02.2018
Date of commencement of evidence	23.03.2018
Date on which judgment is reserved	21.05.2026
Date of the judgment	26.05.2026
Date of the sentencing order, if any	--

Accused details:

Rank of the accused		
Name of the accused/ Date of arrest.	Munna Sah	07.09.2012
Date of release on bail	Munna Sah	28.04.2014
Offences Charged with	Munna Sah	395/412 IPC
Whether acquitted or convicted	Munna Sah	Acquitted
Sentence imposed	----	
Period of detention undergone during trial for purpose of Section 428 Cr.P.C.	Munna Sah	1 year 7 months 21 days

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FORM C

A. Prosecution

Rank	Name	Nature of evidence
PW-1	Gauri Devi	Victim
PW-2	Kamli Devi	Wife of informant
PW-3	Bechan Das@Sugdev Ravidas	Informant
PW-4	Sanjay Ravidas	Victim
PW-5	Rajendra Ravidas	Victim
PW-6	Bhimal Ravidas	Victim

B. Defence witnesses, if any:

Rank	Name	Nature of evidence
DW-1	None	None

C. Court witnesses, if any

Rank	Name	Nature of evidence
CW-1	None	None

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION:-

Sr.No.	Exhibit No.	Description
1.	Nil	Nil

B. DEFENCE:

Sr. No.	Exhibit No.	Description
1.	Nil	Nil

C. Court Exhibit

Sr. No.	Exhibit No.	Description
1.	Nil	Nil

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D. Material Objects:

Sr. No.	Material Object No.	Description
1.	Nil	Nil

JUDGMENT

1. The accused Munna Sah stands tried for committing dacoity in the house of Bechan Ravidas, Bhimal Ravidas, Gopal Ravidas, Sitaram Ravidas, Puna Ravidas and Machhendra Ravidas and also for committing dacoity with deadly weapon assaulted with the butt of rifle injuring Bechan Ravidas and Bhimal Ravidas allegedly on 18.08.2005 in the night at Lushitur, PS-Khaira, District-Jamui.
2. The case of prosecution in brief is that on the basis of fardbayan of Bechan Das, the Khaira P.S. Case No.-159/2005 dated 19.08.2005 was registered u/s-395, 397 IPC against 15-16 unidentified persons wherein he has stated that in the night of 18.08.2005 he was sleeping in his house with his family members. At about 11:00 PM when his wife woke up for washroom she heard crying noise from the house of Bhimal Ravidas, she woke him up. His wife opened the door of the house and there was standing one of the miscreant with rifle who shouted at her and threatened to sleep inside then his wife out of fear came inside the room but the door remained open. Around 10 criminals having fire arm and bhujali in their hands came to his door by beating Bhimal Ravidas and asked from him where is Bechan Das. Being confirmed by Bhimal Ravidas the accused persons entered into his house and started assaulting him with butt of rifle and kicks and demanded money to which he replied that there is no money. The criminals ousted from his house and took away one Sonata wrist watch, nose pin of his mother Sakina Devi, silver chain of his wife and mother and a pair of payal. They then took him and Bhimal Ravidas towards east and 2-3 miscreants surrounded them with fire arms in their hands and the rest of the miscreants entered into the house of almost all. There were about 15-16 miscreants all between 20-35 years of age one of miscreants was of long

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height, having lesser hair at forehead and was healthy, some were of short height while some were of normal height. Ten miscreants were in police uniform, two were in half pant, two were in full pant and one was in lungi. From the house of Gopal Ravidas the accused persons took away silver chain, one pair of payal, silver bracelet, Rs. 5000/- cash; from the house of Sitaram Ravidas one pair of slipper, silver chain, wrist watch, one belt and 30 rupees cash; from the house of Bhimal Ravidas two silver chain, nose pin, silver payal, one pair of silver bracelet; from the house of Barho Ravidas silver payal, nose pin; from the house of Puna Ravidas one silver chain, one pair of payal; from the house of Mahendra Ravidas one v.c.d, silver nose pin, one tangi and from the house of Basudev Ravidas silver nose pin, payal and one silver chain. Thereafter the miscreants took Mahendra on motorcycle and went away towards village Sokho and after assaulting him and Bhimal Ravidas they left them. the accused persons were speaking local language. They asked from them how police took away the animals of Ram Ravidas and why they are at enmity with him. The informant stated that they have moved from Karitand Garhi and the government has provided them land here hence they have settled down. Ram Ravidas forcibly cultivates the land and for that they are at enmity with Ram Ravidas. He does not know who took the animals of Ram Ravidas. The informant claimed to identify the accused persons upon seeing them and will also identify the looted articles.

3. The IO after investigation submitted the supplementary chargesheet no. 202/2012 dated 29.10.2012 against Churaman Manjhi, Prakash Rajak and Munna Sah consequent upon which cognizance for offence u/s-395/397 IPC was taken and the record after commitment was received in the Sessions Division as S.Tr. No. 371/2013. Due to non-appearance of accused Prakash Rajak and Churaman Manjhi their trial was separated vide order dated 29.11.2017 as S.T. No. 371A/2013 and the present S.T. no. 371/2013 proceeded for accused Munna Sah only.
4. The charges against the accused Munna Sah was framed on 17.02.2018 u/s-395/397 IPC to which he pleaded not guilty and claimed to be tried. The

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prosecution evidence was closed on 18.05.2026 and the statement of accused Munna Sah was recorded u/s 313 of the Cr.P.C wherein he denied the evidences against him and pleaded innocence. On the written submission of defence their evidence was closed and after hearing from the parties the record is today fixed for Judgment.

5. The points for determination before this Court is whether the prosecution has proved the charges against the accused beyond all reasonable doubts?

FINDINGS

6. The prosecution in order to substantiate, prove its case and to nail the guilt of the accused has produced PW-1 Gauri Devi, PW-2 Kamli Devi, PW-3 Bechan Das @ Sugde Ravidas, PW-4 Sanjay Ravidas, PW-5 Rajendra Ravidas, and PW-6 Bhimal Ravidas. There is no document as proved and exhibited on part of prosecution. The defence too has not produced any evidence either oral or documentary in its support.

7. PW-1 Gauri Devi has stated in her examination-in-chief that the incident occurred in the year 2005 at 11:00 in the night. She was sleeping in the house. Dacoity was committed in her house, Bechan Das @ Sukhdev Das, Bhimal Das, Rajendra Das, Kamli Devi, Sanjay Ravidas and the miscreants took away all the household articles and also assaulted them. The accused persons had covered their faces. The witness did not identify the accused Munna Sah present before the Court and stated that on the alleged date of occurrence all the accused persons had covered their face with towel (gamchha). During cross-examination she has stated not to identify any of the accused as it was dark at night and lastly in para-4 she has stated to have deposed voluntarily without any pressure or fear.

8. PW-2 Kamli Devi has stated in her examination-in-chief that the incident occurred in the year 2005 at 11:00 in the night. She was sleeping in the house. Dacoity was committed in her house, Gauri Devi, Sukhdev Das, Bhimal Das, Rajendra Das, Sanjay Ravidas and the miscreants took away all the household articles and also assaulted them. The accused persons had covered

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their faces. The witness did not identify the accused Munna Sah present before the Court and stated that on the alleged date of occurrence all the accused persons had covered their faces with towel (gamchha). During cross-examination she has stated not to identify any of the accused as it was dark at night and lastly in para-4 she has stated to have deposed voluntarily without any pressure or fear.

9. PW-3 Bechan Das @ Sugdev Ravidas the informant has stated in his examination-in-chief that the incident occurred in the year 2005 at 11:00 in the night. He was sleeping in the house. Dacoity was committed in his house and in the house of Gauri Devi, Bhimal Das, Rajendra Das, Kamli Devi, Sanjay Ravidas and the miscreants took away all the household articles and also assaulted him. All the accused persons had covered their faces. He lodged this case. He is known as Sugdev Ravidas and Bechan Ravidas. The police had come, and recorded his fardbayan upon which he had put his thumb impression, the photocopy of fardbayan is on record which he identifies. The witness did not identify the accused Munna Sah present before the Court and stated that on the alleged date of occurrence all the accused persons had covered their faces with towel (gamchha). During cross-examination he has stated not to identify any of the accused as it was dark at night and lastly in para-4 he has stated to have deposed voluntarily without any pressure or fear.

10. PW-4 Sanjay Ravidas has stated in his examination-in-chief that the incident occurred in the year 2005 at 11:00 in the night. He was sleeping in the house. Dacoity was committed in his house, Bechan Ravidas @ Sukhdev Das, Bhimal Das, Rajendra Das, Kamli Devi, Gauri Devi and the miscreants took away all the household articles and also assaulted him. All the accused persons had covered their faces. The witness did not identify the accused Munna Sah present before the Court and stated that on the alleged date of occurrence all the accused persons had covered their faces with towel (gamchha). During cross-examination he has stated not to identify any of the accused as it was dark at night and lastly in para-4 he has stated to have deposed voluntarily without any pressure or fear.

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11. PW-5 Rajendra Ravidas has stated in his examination-in-chief that the incident occurred in the year 2005 at 11:00 in the night. He was sleeping in the house. Dacoity was committed in his house, Bechan Ravidas @ Sukhdev Das, Bhimal Das, Kamli Devi, Gauri Devi, Sanjay Ravidas and the miscreants took away all the household articles and also assaulted him. All the accused persons had covered their faces. The witness did not identify the accused Munna Sah present before the Court and stated that on the alleged date of occurrence all the accused persons had covered their faces with towel (gamchha). During cross-examination he has stated not to identify any of the accused as it was dark at night and lastly in para-4 he has stated to have deposed voluntarily without any pressure or fear.
12. PW-6 Bhimal Ravidas has stated in his examination-in-chief that the incident occurred in the year 2005 at 11:00 in the night. He was sleeping in the house. Dacoity was committed in his house, Bechan Ravidas @ Sukhdev Das, Bhimal Das, Kamli Devi, Gauri Devi, Sanjay Ravidas and the miscreants took away all the household articles and also assaulted him. All the accused persons had covered their faces. The witness did not identify the accused Munna Sah present before the Court and stated that on the alleged date of occurrence all the accused persons had covered their faces with towel (gamchha). During cross-examination he has stated not to identify any of the accused as it was dark at night and lastly in para-4 he has stated to have deposed voluntarily without any pressure or fear.
13. The accused Munna Sah has completely denied the allegation against him in his statement under section 313 of the Cr.P.C and has stated himself to be innocent.
14. The Court on the basis of materials available on record finds that the informant himself has stated not to identify the accused upon seeing him before the Court. He has also stated that the accused persons who had committed the dacoity had covered their faces. The FIR was lodged against unknown person. The charge was framed on 17.02.2018 and the prosecution evidence was closed on 18.05.2026. The prosecution thus was given more than sufficient

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opportunity of above 8 years to produce the witnesses but what the prosecution could produce are six witnesses and due to non identification of the accused by the informant and other witnesses the alleged dacoity and taking away of household articles stands not proved and the presence and involvement of the accused in the alleged incident becomes doubtful. There is no eye-witness in this case. The accused in this case is facing prosecution for offence u/s-395/397 IPC which in the absence of lack of evidence miserably failed. The prosecution has got no legs to stand on its own. The Court finds the prosecution to have failed in proving the charge against the accused. He is accordingly held not guilty of the offences charged u/s-395/397 IPC in this case

ORDER

15. The accused Munna Sah son of late Nago Sah @ Nageshwar Sah, resident of village-Ropabel, PS-Garhi, District-Jamui is hereby acquitted of all charges u/s-395/397 IPC in this case. He is on bail, hence is discharged from the liability of his bail bond. However in terms of Section 437(A) Cr.P.C. the accused is directed to furnish personal bond in the sum of Rs. 10,000/- Pursuant to compliance of Section 437(A) Cr.P.C. the file be consigned to the Record Room.

Dictated, corrected, signed and pronounced by me in the open Court.

(Sudhir Sinha)
Distt. & Addl. Sessions Judge-II
Jamui.
26.05.2026

(Sudhir Sinha)
Distt. & Addl. Sessions Judge-II
Jamui.
26.05.2026

Date of Judgment/Order	26.05.2026
Date of Reserving/Order	21.05.2026
Uploading Date	26.05.2026
Uploaded by	Ankit Raj, Court Reader cum D.W