

FORM-A

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, JAMUI Present: Sandip Singh, Principal District & Sessions Judge, Jamui (Date of the Judgment: 9th March, 2026) (S.T. No. 185 of 2025) (Reg. No. 185/2025) (C.N.R. No. BRJA01-002591-2025) (Details of F.I.R. / Crime and Police Station: Khaira P.S. Case No. 105/2017)	
Complainant/Informant	STATE OF BIHAR through Subodh Sah, Informant
REPRESENTED BY	Sri. Dhiraj Kumar Singh, P.P.
ACCUSED	1. Gauri Sah S/o Bhuneshwar Sah aged about 46 years. 2. Murari Sah @ Krishna Murari Sah S/o Vishwanath Sah aged about 46 years. 3. Bindu Sah S/o Vishwanath Sah aged about 47 years. 4. Dharmendra Sah S/o Mahendra Sah aged about 41 years. 5. Rabindra Sah S/o Mahendra Sah aged about 32 years. All R/o Village- Mangobandar, P. S.- Khaira, Dist.- Jamui.
REPRESENTED BY	Sri. Ankit Raj, Advocate

J U D G M E N T

- The above named accused persons are facing trial for the offence punishable under sections 341/34, 323/34, 324/34, 325/34, 307/34 and 504/34 of the I.P.C.
- The prosecution case in short is that the informant Subodh Sah lodged the instant case by way of submitting a written application before the S.H.O. of Khaira Police Station, alleging therein that on dated 16.04.2017 at 7:00 a.m. when he was present in his house, the accused persons namely Gauri Sah, Murari Sah, Bindu Sah, Dharmendra Sah and Rabindra Sah came there having lashed with arms and started blocking the road of informant and when the informant protested then they further stated for withdrawing a civil case filed by the informant against accused persons, and when the informant refused, then it is alleged that the accused Gauri Sah struck on the head of informant by means of Sword, and consequently, the informant got injured. Thereafter, another blow of Sword was given by the Gauri Sah which hit upon the lips of the informant. The other accused persons Rabindra Sah has assaulted him by means of Lathi and Murari Sah assaulted by means of Iron Rod to his mother who got injury near her right eye. The younger brother of the informant namely Sipak Kumar and father namely Ishwar Sah have also got injured due to the assault by the accused persons. Thereafter, the instant case was registered against the F.I.R. named five accused persons.

3. After investigation of the case, charge sheet was submitted against five accused persons namely 1. Gauri Sah, 2. Murari Sah, 3. Bindu Sah, 4. Dharmendra Sah and 5. Rabindra Sah U/s. 341, 323, 324, 325, 307, 504, 34 of the I.P.C. The learned court below has also taken cognizance of the offence U/s. 341, 323, 324, 325, 307, 504, 34 of the I.P.C. vide order dated 12.10.2018, and thereafter, the case was committed to the Court of Sessions on 14.05.2025 by the learned court below. After commitment, the record was received in this court, and pursuant thereof, after hearing both parties on the point of charge, the charges were framed U/s 341/34, 323/34, 324/34, 325/34, 307/34 and 504/34 of the I.P.C. and the same were read over and explained to the accused persons in Hindi, to which, they pleaded not guilty and claimed to be tried. Pursuant thereof, the prosecution has examined five witnesses in support of its case and finally on 17.12.2025 the prosecution evidence was closed, and thereafter on 27.02.2026, the statements of above named accused persons were recorded U/s. 313 Cr.P.C., in which, they totally denied the prosecution version and claimed themselves as innocent. Further on the basis of petition dated 06.03.2026 filed on behalf of the Learned defence counsel, defence evidence was also closed and the record was placed for argument.

4. Now the main point for consideration in this case is whether the prosecution has been able to prove the charges levelled against the accused persons beyond the shadow of all reasonable doubts or not? And whether the accused persons are guilty or not?

FINDINGS

5. In course of trial, the prosecution has examined altogether five witnesses i.e. P.W. 1. Subodh Sah, P.W. 2. Sipak Sah, P.W. 3. Ishwar Sah, P.W. 4. Bachchi Devi and P.W. 5. Brahmdev Ram. Besides oral evidence, the prosecution has also proved the signature of informant on written application, which has been marked as Exhibit P-1. However, the defence has neither adduced any oral evidence nor produced any documentary evidence.

06. **P.W. 1. is Subodh Sah**, who happened to be informant of this case stated in his examination in chief that the occurrence took place eight years ago at 7:00 a.m., at that time, he was present in the house and at the same time due to dispute of way, there was a scuffle with the accused persons, in which, he along with his father, mother and brother got injured and they were treated in Government Hospital, Khaira. He further stated that he has lodged the instant case by way of submitting a written application, which was written by some body else and he made only his signature upon that and he further identified his signature, which has been marked as Exhibit P-1 of this case.

On the other hand, in the cross-examination, the informant categorically stated that due to stampede he fell down and got injured and the accused Gauri Sah

happened to be his agnate .

07. **P.W. 2. Sipak Sah** stated in his examination in chief that the occurrence took place eight years ago at 7:00 a.m., at that time, he was present near the house and due to dispute of way, the accused persons came there and started scuffling with them, in which, he along with his brother and other family members got injured and they were treated in Khaira Government Hospital.

On the other hand, in the cross-examination, he stated that due to stampede, he fell down and got injured.

08. **P.W. 3. Ishwar Sah** stated in his examination in chief that the occurrence took place eight years ago at 7:00 a.m., at that time, he was present near the house and due to dispute of way, the accused persons came there and started scuffling with them, in which, he along with his two sons and wife got injured and they were treated in Khaira Government Hospital.

On the other hand, in the cross-examination, he stated that due to stampede, he fell down and got injured.

09. **P.W. 4. i Bachchi Devi** stated in her examination in chief that the occurrence took place eight years ago at 7:00 a.m., at that time, she was present near the house and due to dispute of way, the accused persons came there and started scuffling with them, in which, she along with her sons and husband got injured and they were treated in Khaira Government Hospital.

On the other hand, in the cross-examination, he stated that due to stampede, he fell down and got injured.

10. **P.W. 5. is Brahmdev Ram** declared hostile on the request of the prosecution as he has not supported the prosecution case.

11. After having gone through the documents and materials available on record, I find that the present case has been filed by the informant against the accused persons, alleging therein that on the alleged date of occurrence when informant was present in the house, then all the accused persons came there having lashed with arms and threatened him for withdrawing his civil case filed against accused persons, and when the informant refused, then accused Gauri Sah struck on the head of informant by means of Sword. Thereafter, another blow of Sword was given by the Gauri Sah which hit upon the lips of the informant. The other accused persons Rabindra Sah has assaulted him by means of Lathi and Murari Sah assaulted by means of Iron Rod to his mother who got injury near her eyes. The younger brother of the informant namely

Sipak Kumar and father namely Ishwar Sah have also got injured by the assault of the accused persons.

12. From perusal of the record, I find that after institution of the case, the police started investigation into the matter, and finally, the police has submitted charge sheet, and accordingly, the court below has taken cognizance into the matter and committed the case to the Court of Sessions. Pursuant thereof, the records were received in this court, and accordingly, charges were framed. I find that in course of trial, the prosecution side has examined five witnesses. From perusal of the evidences of these witnesses, it is found that P.W. 5 became hostile as he does not support the prosecution case. However, other four witnesses have not substantially supported the prosecution case. Further, P.W. 1. Subodh Sah (informant) stated that he has lodged the instant case by way of submitting a written application, which was written by some body else and he made only his signature upon that and he further identified his signature, which has been marked as Exhibit P-1 of this case but in their cross-examination, the informant and other four witnesses have categorically stated that due to stampede, they fell down and got injured.

13. Hence, in such circumstances, it appears that the prosecution has miserably failed to prove the guilt of the accused persons beyond the shadow of all reasonable doubts and under this circumstances, the accused persons are liable to be acquitted.

14. Accordingly, accused persons namely **1. Gauri Sah, 2. Murari Sah @ Krishna Murari Sah, 3. Bindu Sah, 4. Dharmendra Sah and 5. Rabindra Sah** are acquitted from the charges of the offence punishable under Sections **341/34, 323/34, 324/34, 325/34, 307/34 and 504/34 of the I.P.C.** after giving them benefit of doubts. Accused persons are on bail, hence their bailors and sureties are discharged from the liabilities of their respective bail bonds.

(Dictated)

Principal District & Sessions Judge, Jamui.

Dictated and corrected by me

Sandip Singh
Principal District & Sessions Judge, Jamui

FORM B

Date of Offence	16.04.2017
Date of FIR	16.04.2017
Date of Chargesheet	23.08.2018
Date of Framing of Charges	24.05.2025
Date of Commencement of evidence	02.06.2025
Date on which judgment is reserved	07.03.2026
Date of the judgment	09.03.2026
Date of the sentencing Order, if any	Not applicable

Accused Details

Rank of the accused	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	Gauri Sah	x	x	U/s. 341/34, 323/34, 324/34, 325/34, 307/34 and 504/34 of the I.P.C.	Acquitted	x	x
2	Murari Sah @ Krishna Murari Sah	x	x	U/s. 341/34, 323/34, 324/34, 325/34, 307/34 and 504/34 of the I.P.C.	Acquitted	x	x
3	Bindu Sah	x	x	U/s. 341/34, 323/34, 324/34, 325/34, 307/34 and 504/34 of the I.P.C.	Acquitted	x	x
4	Dharmendra Sah	x	x	U/s. 341/34, 323/34, 324/34, 325/34, 307/34 and 504/34 of the I.P.C.	Acquitted	x	x
5	Rabindra Sah	x	x	U/s. 341/34, 323/34, 324/34, 325/34, 307/34 and 504/34 of the I.P.C.	Acquitted	x	x

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)
PW1	Subodh Sah	EYE WITNESS
PW2	Sipak Sah	EYE WITNESS
PW3	Ishwar Sah	EYE WITNESS
PW4	Bachchi Devi	EYE WITNESS
PW5	Brahmdev Ram	OTHER WITNESS

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
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		(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	NO	NO
DW2	NO	NO

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	NO	NO
CW2	NO	NO

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1	Exhibit P-1	Signature of informant Subodh Sah on written application
2	Exhibit P-2/PW2	NO

B. Defence:

Sr. No.	Exhibit Number	Description
1	Exhibit D-1/DW1	NO
2	Exhibit D-2/DW2	NO

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	Exhibit C-1/CW1	NO
2	Exhibit C-2/CW2	NO

D. Material Objects:

Sr. No.	Material Object Number	Description
1	MO1	NO
2	MO2	NO