

IN THE COURT OF DISTRICT & ADDITIONAL SESSION JUDGE-II
JAMUI

Session Trial No. 477/2024 CIS No. 477/2024
(Chandradeep P.S case no.-147/2022)

Present :- Sudhir Sinha

Present:-

Sudhir Sinha
District & Addl. Sessions Judge-II
Jamui

Date of Judgment:-

30.07.2026

S.Tr. No.-477/2024

Police Station :-

Chandradeep

PS Case No. :-

147/2022

Under Section :-

147/149/341/323/308/325/504/506/379/354 IPC

State (Through Informant Md. Ladla)

..... Prosecution.

V.

1. Md. Safique alias Munna, 2. Md. Taufique Alam ,3. Md. Adil,
4. Md. Rafique, 5. Md. Ejaj, 6. Md. Azad, 7. Md. Nasim

.....Accused Persons

Counsel for the State:-

Sh. Manoj Kumar Singh, Addl.P.P.

Counsel for the Defence:-

Sh. S. Pandey, Advocate

FORM B

Date of Offence	03.09.2022
Date of F.I.R.	04.09.2022
Date of Framing of charge	13.05.2025
Date of commencement of evidence	06.06.2025
Date on which judgment is reserved	17.07.2026
Date of the judgment	30.07.2026
Date of the sentencing order, if any	--

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Accused details:

Rank of the accused		
Name of the accused/ Date of arrest.	1. Md. Safique alias Munna 2. Md. Taufique Alam 3. Md. Adil 4. Md. Rafique 5. Md. Ejaj 6. Md. Azad 7. Md. Nasim	Bail on A.B.A Bail on A.B.A Bail on A.B.A Bail on A.B.A Bail on A.B.A Bail on A.B.A Bail on A.B.A
Date of release on bail	1. Md. Safique alias Munna 2. Md. Taufique Alam 3. Md. Adil 4. Md. Rafique 5. Md. Ejaj 6. Md. Azad 7. Md. Nasim	28.11.2022 28.11.2022 28.11.2022 28.11.2022 28.11.2022 28.11.2022 28.11.2022
Offences Charged with	1. Md. Safique alias Munna 2. Md. Taufique Alam 3. Md. Adil 4. Md. Rafique 5. Md. Ejaj 6. Md. Azad 7. Md. Nasim	147/341/323/308/504/506/149 IPC 147/341/323/308/504/506/149 IPC 147/341/323/308/504/506/149 IPC 147/341/323/308/504/506/149 IPC 147/341/323/308/504/506/149 IPC 147/341/323/308/504/506/149 IPC 147/341/323/308/504/506/149 IPC
Whether acquitted or convicted	1. Md. Safique alias Munna 2. Md. Taufique Alam 3. Md. Adil 4. Md. Rafique 5. Md. Ejaj 6. Md. Azad 7. Md. Nasim	Acquitted Acquitted Acquitted Acquitted Acquitted Acquitted Acquitted
Sentence imposed	---	
Period of detention undergone during trial for purpose of Section 428 Cr.P.C.	1. Md. Safique alias Munna 2. Md. Taufique Alam 3. Md. Adil 4. Md. Rafique 5. Md. Ejaj 6. Md. Azad 7. Md. Nasim	- - -

FORM C

A. Prosecution

Rank	Name	Nature of evidence
PW-1	Md. Ladla	Informant
PW-2	Md. Azad	Villager

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PW-3	Bibi Farjana	Villager
PW-4	Md. Chand	Injured
PW-5	Sahni Pravin	Sister of Informant
PW-6	Hena Pravin	Sister-in-law of informant

Defence witnesses, if any:

Rank	Name	Nature of evidence
DW-1	None	None

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.	Ext. P1	The written information

B. DEFENCE:

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

C. Court Exhibit

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

D. Material Objects:

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

JUDGMENT

1. The accused 1. Md. Safique alias Munna, 2. Md. Taufique Alam ,3. Md. Adil, 4. Md. Rafique, 5. Md. Ejaj, 6. Md. Azad, 7. Md. Nasim stand tried for offences of committing an act guilty of culpable homicide not amounting to murder in furtherance of their common intention, wrongfully restraining the informant and his family, voluntarily causing hurt to them, assaulting rashly or negligently so as to endanger human life, for intentionally assault or criminal force used against a informant's wife and sister with the intent to outrage their

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modesty and also for causing breach of peace in furtherance of common intention allegedly on 03.09.2022 at village Aliganj, PS-Chandradeep, District-Jamui.

2. The case of prosecution in brief is that on the written information of Md. Ladla, the Chandradeep PS Case No.-147/2022 dated 04.09.2022 was registered u/s- 147/149/341/323/308/325/504/506/379/354 of IPC, wherein he has stated that on 03.09.2022 at about 7:15 he was going to the house of Naim Ansari. When he reached in the street near Naim's house all FIR named eleven accused persons surrounded him. They having lathi, danda and rod assaulted at his head, shoulder and both legs with intention to kill him, causing cut at his head, shoulder bone and legs were fractured. He sustained grievous injury. His brother Md. Chand, wife and sister Sahani Khatoon came to save him. Accused persons pushed them with bad intention. They were also assaulted by the accused persons. Accused persons abused her by calling witch. They fell down on earth. Gold chain, silver bracelet and cash of Rs. 25000/- were snatched by accused persons from him. On shouting Md. Sonu, Md. Salo, Md. Naim, Noorjahan Khatoon, Md. Saddam came to save his life. He and Chand were admitted at Aliganj Hospital. Due to grievous injury he was referred to Sadar Hospital Jamui for better treatment. The reason behind the incident is that there is dispute between Naim and his brother, for which he had held a panchayti due to which accused persons had threatened him on the occasion of Muharram.
3. The IO after investigation submitted the charge sheet no.-23/2023 dated 29.01.2023 against 1. Md. Safique alias Munna, 2. Md. Taufique Alam, 3. Md. Adil, 4. Md. Rafique, 5. Md. Ejaj, 6. Md. Azad, and 7. Md. Nasim consequent upon which cognizance was taken for offence u/s-147/ 341/ 323/ 308/504/506/149 IPC and the record after commitment was received in the Session Division as S.Tr. No.-477/2024.
4. The charges against all seven accused persons were framed on 13.05.2025 u/s-147/341/323/308/504/506/149 IPC, to which they pleaded not guilty and claimed to be tried. The prosecution evidence was closed on 25.05.2026 and the statement of all seven accused persons were recorded u/s 313 of the Cr.PC on 16.06.2026 wherein they denied the evidences against them and pleaded innocence. On the written submission of defence their evidence was closed on 08.07.2026 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 all seven accused persons beyond all reasonable doubts?

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FINDINGS

6. The prosecution in order to substantiate, prove its case and to nail the guilt of the accused persons has produced PW-1 Md. Ladla, PW-2 Bibi Farjana, PW-3 Md. Azad, PW-4 Md. Chand Alam, PW-5 Shahin Parveen and PW-6 Hena Parveen. The written information is marked as Ext. P1. The defence has not produced any evidence either oral or documentary in its support.
7. PW-1 Md Ladla who is informant of this case has stated in his examination-in-chief that the incident occurred 3 to 4 years ago at 7.00 in the evening. He was near Naim's house. There was a quarrel between Md. Rafique, Md. Aadil, Md. Munna, Md. Jarin, Md. Azad, Md. Ejaj, Md. Nasim and him. In which he, his brother Chand, wife Heena Parveen, sister Shahin Khatoon were injured. They were treated upon at Aliganj Govt. Hospital, there after at Jamui Sadar Hospital. He has filed the case at P.S. On his identification the written information is marked as Ext. P1/PW-1. The witness identified the accused Rafique and Adil present before the Court and claimed to identify others upon seeing them.
8. During cross-examination he has stated that there was a land dispute between them, which has been settled. Accused persons had not assaulted him. He sustained injury due to fall. He has deposed voluntarily without any pressure or fear. He has no objection if the case is disposed off. He has identified the accused persons as being his relatives. Lastly in para-9 he has stated that there is cordial relation with the accused persons.
9. PW-2 Bibi Farjana has stated in his examination-in-chief that the incident occurred 2½ years ago in the night. There was a quarrel between Md. Ladla and Md. Rafique. The witness identified the accused Adil present before the Court and claimed to identify others upon seeing them. During cross-examination she has stated not to know about fighting because she was not present there. She was at hospital for operation of her daughter. The Police had not inquired her about the incident. She has came to depose on notice. She has stated to have deposed voluntarily without any pressure or coercion. She has identified the accused as being his brother.
10. PW-3 Md. Azad has stated in his examination-in-chief that he does not know anything about the alleged incident nor his statement was recorded before the police. The witness was declared as hostile on the request of prosecution. During cross-examination he has stated to have deposed voluntarily without any pressure or coercion.

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11. PW-4 Md. Chand Alam has stated in his examination-in-chief that the incident occurred 2½ years ago at about 8 to 9 in the night. At that time he was coming from shop. There was an altercation going on between his brother and Naim, Rafique, Aadil, Azad, Safique. In course of altercation he and Ladla sustained injury. All injured persons were treated upon at Aliganj Hospital. The witness identified the accused Adil present before the Court and claimed to identify others upon seeing them.
12. During cross-examination he has stated to have deposed voluntarily. Accused persons did not assault him. He fell down due to running and sustained injury. There is compromise between both parties. Compromise petition has been filed by both parties.
13. PW-5 Shaheen Parveen has stated in her examination-in chief that the incident occurred 4 years ago at about 8-9 in the morning. She was at her house. At that time Rafique, Tausif, Adil, Ejaj, Azad, Safique, Nasimuddin came and started quarreling. She, her brother Chand, Ladla and her sister-in-law sustained injury in the altercation. All injured persons were treated upon at Aliganj Govt. Hospital. The witness identified accused persons present before the Court and claimed to identify other upon seeing them.
14. During cross-examination she has stated that all accused person are her brothers. They did not assault her. She sustained injury due to stampede. The compromise has been made with all the accused persons. Lastly in para 6 she has stated to have deposed voluntarily without any pressure or coercion.
15. PW-6 Hena Parveen has stated in her examination-in chief that the incident occurred 4 years ago at about 8-9 in the morning. She was at her house. At that time Rafique, Tausif, Adil, Ejaj, Azad, Safique, Nasimuddin came and started quarreling. She, her elder brother-in-law, father-in-law, and her sister-in-law sustained injury in the altercation. All injured persons were treated upon at Aliganj Govt. Hospital. The witness identified accused persons present before the Court and claimed to identify others upon seeing them.
16. During cross-examination she has stated that all accused person are her brothers. They did not assault her. She sustained injury due to stampede. The compromise has been made with all the accused persons. Lastly in para 6 she has stated to have deposed voluntarily without any pressure or coercion.
17. The accused persons have completely denied the evidences against them in their statement under section 313 of the Cr.P.C and have pleaded innocence. Before proceeding further the court finds that informant of this case has filed a compromise with all the accused persons which is on record. The compromise bears the signature of the informant, and six accused persons duly identified by

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their respective counsels. On the basis of evidences available on record the Court finds that the accused persons in this case are facing prosecution for offence u/s 147/341/323/308/504/506/354/149 of the IPC which are all except 147/308 IPC compoundable in nature as per provision u/s-320 of the Cr.P.C. As the compromise is found to be proper and in order the same is accepted and the offences u/s- 341/323/504/506/354/149 IPC accordingly stand compounded.

18. The offence u/s-147/308/354/149 IPC are not compoundable in nature and hence shall be decided on merit. It is clear from the FIR that all seven accused persons assaulted informant and his family with iron rod, lathi danda causing grievous injury and they also tried to outrage the modesty of informant's wife and sister. It is further clear from the testimony of PW-1 informant that accused persons did not assault them. They sustained injury due to fall in the stampede. He shall not have any objection if the case is disposed off. The occurrence as per the informant and injured have now been settled between both the parties. Likewise PW-4, PW-5, PW-6 who are injured in this case too have stated before the Court that they sustained injury due to fall in the stampede. The assembly of five or more persons with deadly weapons at the PO is not proved beyond doubt. There is no other witnesses in this case. There is no whisper about outraging the modesty of informant's wife and sister by any of the prosecution witnesses. Even the wife and sister of informant have not stated a single word against any of the accused or point of this offence. The court does not find materials sufficient to nail the guilt of the accused persons for the commission of the offence charged u/s 147/354/308/149 IPC in this case. The compromise bears the signature of informant and accused persons duly identified by their respective Counsels. The essential ingredients of the offence of forming an unlawful assembly armed with deadly weapon and in furtherance of their common object attempted to murder the informant and her family members as also to outrage the modesty of informant's wife and sister does not stand fulfilled. The prosecution has not been able to prove the charge against the accused persons who are accordingly held not guilty of the offence charged u/s-147/354/308/149 of the IPC.

ORDER

19. The accused 1. Md. Safique son of Md. Rafique, 2. Md. Nasimuddin, son of Late Md. Sakur Miyan, 3. Md. Adil son of Md. Rafique, 4. Md. Taufique son of Md. Rafique, 5. Md. Ejaj son of Md. Abdul Razzak , 6. Md. Rafique son of Late Sakur Miyan, 7. Md. Azad, son of Abdul Razzak, all residents of Aliganj, P.S.-Chandradeep, District-Jamui are hereby acquitted of charges U/s- 341/323/504/506/149 IPC on the basis of compounding of offences u/s 320(8) of

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the Cr.P.C and are also acquitted of charge u/s 147/354/308/149 IPC in this case as the prosecution could not prove the same. The accused persons are on bail, hence they are discharged from the liabilities of their bail-bonds. However in terms of section 437(A) of the Cr.P.C. all seven accused persons are directed to furnish personal bond of Rs. 10,000/-. Pursuant to such filing, office is directed to consign the file in the record room

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

(Sudhir Sinha)
District & Addl. Sessions Judge-II
Jamui.
30.07.2026

(Sudhir Sinha)
District & Addl. Sessions Judge-II
Jamui.
30.07.2026

Date of Judgment/Order	30.07.2026
Date of Reserving/Order	17.07.2026
Uploading Date	30.07.2026
Uploaded by	Ankit Raj, Court Reader cum D.W