

<u>COURT OF THE SESSIONS JUDGE, KISHANGANJ</u> Present:- Namrata Tiwary Sessions Judge,Kishanganj Date of judgment:- 27th June 2026 <u>Session Trial No. 150 / 2016</u> <u>(C.I.S. 149/ 2016)</u> [Kochadhaman P. S. Case no. 101 / 2014]	
Complainant	STATE OF BIHAR, through Dabir Alam S/o Late Abdul Jabbar Age about- 45 Years R/o- Bahichakuti P. S - Kochadhaman District- Kishanganj
Represented by.....	Sri Pranav Kumar, learned P. P.
ACCUSED	1. Taukir 2. Taskir 3. Tahsib 4. Mustakim 5. Zakir Alam 6. Mujammil Alam 7. Mudassir Alam 8. Moin Akhter
REPRESENTED BY	Shri Khwaja Mujibur Rahman, Advocate.

DATE OF OFFENCE	25-05-2014
Date of FIR	25-05-2014
Date of Charge-sheet	14-09-2014
Date of Framing of Charges	02-01-2026
Date of commencement of evidence	03-01-2026
Date of which Judgment is reserved	18-06-2026
Date of the Judgment	27-06-2026
Date of the Sentencing Order, if any	N.A.

Accused Details:

Rank of the Accused	A-1
Name of Accused	1. Taukir S/o- Tajmul Hussain vill- Mahiyarpur P. S. Kochadhaman , District Kishanganj
Date of Arrest	N. A._
Date of Release on Bail	03-03-2016 on surrender
Offences Charged with	U/s 147, 148, 341, 323, 308, 379/ 34 of the IPC.
Whether Acquitted or convicted	Acquitted

Accused Details:

Rank of the Accused	A-2
Name of Accused	2. Taskir S/o- Tajmul Hussain vill- Mahiyarpur P. S. Kochadhaman , District Kishanganj
Date of Arrest	N. A.
Date of Release on Bail	03-03-2016 on surrender
Offences Charged with	U/s 147, 148, 341, 323, 308, 379/ 34 of the IPC.
Whether Acquitted or convicted	Acquitted

Accused Details:

Rank of the Accused	A-3
Name of Accused	1. Tahsib S/o- Late Tajmul Hussain vill- Mahiyarpur P. S. Kochadhaman , District Kishanganj
Date of Arrest	N. A.
Date of Release on Bail	03-03-2016 on surrender
Offences Charged with	U/s 147, 148, 341, 323, 308, 379/ 34 of the IPC.
Whether Acquitted or convicted	Acquitted

Accused Details:

Rank of the Accused	A-4
Name of Accused	4. Mustakim S/o- Late Saiful Rahman vill- Bachiyakutti P. S. Kochadhaman , District Kishanganj
Date of Arrest	N. A.
Date of Release on Bail	23-02-2016 on surrender
Offences Charged with	U/s 147, 148, 341, 323, 308, 379/ 34 of the IPC.
Whether Acquitted or convicted	Acquitted

Accused Details:

Rank of the Accused	A-5
Name of Accused	5. Zakir Alam S/o- Late Abdul Razzak vill- Bachiyakutti P. S. Kochadhaman , District Kishanganj
Date of Arrest	N. A.
Date of Release on Bail	03-03-2016 on surrender
Offences Charged with	U/s 147, 148, 341, 323, 308, 379/ 34 of the IPC.
Whether Acquitted or convicted	Acquitted

Accused Details:

Rank of the Accused	A-6
Name of Accused	6. Mujamil Alam S/o- Late Saiful Rahman vill- Bachiyakutti P. S. Kochadhaman , District Kishanganj
Date of Arrest	N. A.
Date of Release on Bail	23-02-2016 on surrender
Offences Charged with	U/s 147, 148, 341, 323, 308, 379/ 34 of the IPC.
Whether Acquitted or convicted	Acquitted

Accused Details:

Rank of the Accused	A-7
Name of Accused	7. Mudassir Alam S/o- Late Saiful Rahman vill- Bachiyakutti P. S. Kochadhaman , District Kishanganj
Date of Arrest	02-08-2014
Date of Release on Bail	03-09-2014
Offences Charged with	U/s 147, 148, 341, 323, 308, 379/ 34 of the IPC.
Whether Acquitted or convicted	Acquitted

Accused Details:

Rank of the Accused	A-8
Name of Accused	8. Moin S/o- Late Saiful Rahman vill- Bachiyakutti P. S. Kochadhaman , District Kishanganj
Date of Arrest	N. A.
Date of Release on Bail	23-02-2016 on surrender
Offences Charged with	U/s 147, 148, 341, 323, 308, 379/ 34 of the IPC.
Whether Acquitted or convicted	Acquitted

Attached:

APPENDIX OF EVIDENCE INDEX.

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS,EXPERT WITNESS,MEDICALWITNESS,PANCH WITNESS, OTHER WITNESS)
P.W.-1	Akhtari Begam	Other witness
P.W.-2	Dabir Alam	Informant
PW-3	Mohsin @ Mohsin Alam	Other witness
PW-4	Anwari Begam	Other witness
PW-5	Shamima Khatoon @ Sabiya	Other Witness
PW-6	Md. Khatib	Other Witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYEWITNESS,POLICE WITNESS,EXPERT WITNESS,MEDICALWITNESS,PAN CH WITNESS, OTHER WITNESS)
N.A.	N.A.	

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS,EXPERT WITNESS,MEDICALWITNESS,PAN CH WITNESS, OTHER WITNESS)
CW	N.A.	N.A.

LIST OF PROSECUTIONS/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. .No	Exhibit Number	Description
1		
2		

B. Defence:

Sr. No	Exhibit Number	Description
--	-----	-----

C. Court Exhibit:

Sr. No	Exhibit Number	Description
---	-----	----

D. Material Object:

Sr. No	Material Object Number	Description
----	-----	-----

J U D G M E N T

1. All the above named accused persons are facing trial for the charged offences u/s 147, 148, 341, 323, 308, 379/ 34 of the IPC.

2. Prosecution case as per written report of the informant Dabir Alam is that on 25-05-2014 at about 2 “O” Clock the FIR named accused persons including the accused persons facing trial were building a house in his courtyard. When the informant protested, then all the FIR named accused persons abused and assaulted him with lathi and fist. On noise his wife Akhtari Begam and his nephew Mohasan Alam came there then they were also assaulted. They sustained injury by iron rod blow. After intervention of people of the locality the informant and his wife could be saved.

3. On the basis of aforesaid written report, Kochadhaman P. S. case no. 101/ 2014 was registered u/s 147, 148, 149, 341, 323, 325, 308, 379 of the IPC. After investigation police submitted charge sheet against the accused persons facing trial u/s 147, 148, 149, 341, 323, 325, 308, 379 of the IPC. Accordingly, cognizance was taken vide order dated 21-09-2015 and the case was committed to the court of session vide order dated 14-06-2016. The charges as aforesaid were framed against the accused persons on 02-01-2026 to which they pleaded not guilty and claimed to be tried.

4. The prosecution has got examined altogether 6 witnesses. They are :-

P. W.- 1 Akhtari Begam

P. W. - 2 Dabir Alam

P. W. -3 Mohsin @ Mohsin Alam

P. W. - 4 Anwari Begam

P. W. - 5 Shamima Khatoon @ Sabiya

P. W. - 6 Md. Khatib

5. After closure of prosecution evidence, the statements of the accused persons u/s 313 Cr.P.C. were taken on 11-06-2026 in which they claimed innocence and false implication. No evidence has been adduced on behalf of the defence.

6. The point that now arises for determination is whether the prosecution has been able to prove the charges levelled against the accused persons beyond all reasonable doubts or not ?

FINDINGS

7. Out of six prosecution witnesses P. W. - 4 Anwari Begam, PW -5 Shamima Khatoon @ Sabiya and P. W. - 6 Md. Khatib have been declared hostile by the prosecution. They have shown their ignorance about the occurrence. They have denied the suggestion with regard to their earlier statements before the police.

8. P. W. - 1 Akhtari Begam is informant's wife has stated that her husband has lodged this case. Due to land dispute there was scuffling and quarreling and she had gone to pacify the quarrel. She identify the accused persons present in the court and claimed to identify the other accused persons.

In cross examination this witness has stated that now the land dispute has been settled. During course of scuffling she herself fell down and got injury. No any accused has assaulted her. Accused persons are her relatives, so she identify them.

9. P. W. -2 Dabir Alam informant of the case has stated in his examination in chief that he had lodged this case in police station on which he had put his thumb impression. The occurrence is of 8 – 9 years ago for the land dispute. He identify the accused namely Jakir Alam and Mudassir present in the court and claimed to identify others.

In cross examination he has stated that accused Jakir Alam is his cousin. Mudassir is his nephew. There was land dispute from before.

During course of quarreling he himself fell down and due to which he sustained injury. The case has been compromised.

10. P. W. 3 Mohsin @ Mohsin Alam has stated in his examination in chief that the occurrence is of 8 – 9 years ago and there was quarreling between his uncle Jakir Alam and others . He had gone for pacifying the matter and due to which he got injury. He identify the accused persons present in the court and claimed to identify the others.

In cross-examination he has stated that accused Jakir Alam is his uncle and Mudassir is his cousin. The case has been compromised. There was no any statement before the police.

11. Learned P. P. argued and has submitted that both the parties have compromised the case out side the court and hence, the private prosecution witnesses has not fully supported the prosecution version.

12. On the other hand, learned counsel for the defence has argued that none of the prosecution witnesses has supported the prosecution version hence the accused persons are entitled to be acquitted.

13. In this case charges has been framed against the accused persons facing trial u/s 147, 148, 341/34, 323/34, 308/34, 379/34 of the IPC. Out of six prosecution witnesses P. W. - 4 Anwari Begam, PW -5 Shamima Khatoon @ Sabiya and P. W. - 6 Md. Khatib have been declared hostile by the prosecution as they have stated that they do not know anything about the occurrence. Rest of the witnesses have supported the prosecution case up to the extent that a scuffle occurred between the parties on the relevant date, time and place of occurrence but none had assaulted them and that they sustained injury only by falling on ground.

CONCLUSION

14. Thus this court comes to the sole conclusion that since no injury at the hand of accused persons is proved by the prosecution or averted by any of the witnesses, this case is simply a case of quarrel and scuffle on the issue of land dispute. Further the case has been compromised between the parties as has been stated by the witnesses in the witness box.

Hence, this case comes under the purview of section 320 (1) of the Criminal Procedure Code 1973. Since no previous conviction is taken on record, the accused persons are given benefit of section 320 (8) of the Cr. P. C. and accordingly the accused persons are acquitted.

ORDER

15. Accordingly, all the accused persons namely 1. Taukir 2. Taskir 3. Tahsib 4. Mustakim 5. Zakir Alam 6. Mujammil Alam 7. Mudassir Alam 8. Moin Akhter are hereby acquitted of charges u/s 147, 148, 341, 323, 308, 379/ 34 of the IPC. The accused persons are on bail. Hence, they are discharged from the liability of their bail bonds.

Sd/-
Sessions judge,
Kishanganj

Dated - 27-06-2026

Dictated & Corrected by me

Sd/-

Sessions judge,
Kishanganj
Dated - 27-06-2026