

FORM A

IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS

JUDGE-III, KATIHAR

Present: Sunil Kumar Singh-III,
District & Additional Sessions Judge-III
Civil Court, Katihar

[Date of the Judgment- 01.07.2026]

[Session Trial No. 471/2012]

(Arising out of Manihari P.S. Case No. 46/2010)

U/S 307, 326, 324,, 323, 147, 148, 325, 149 of IPC

PROSECUTION	State of Bihar Through: Abdul Haque- Informant
REPRESENTED BY	Ld. A.P.P. Shri P.N. Singh
ACCUSED	1. Md. Muzzaffar @ Md. Muzffar Hussain, aged about 51 years, S/O- Md. Bilal..... (A-1) 2. Amzad, aged about 71 years, S/O- Giasuddin.... (A-2) 3. Sukruddin @ Md. Hakim, aged about 49 years, S/O- Ansur Rahman.... (A-3) 4. Vilayat @ Vilayat Ali, aged about 80 years, S/O- Hasin-(A-4) 5. Jahid @ Md. Jahir, aged about 48 years, S/O- Hazrat Ali.... (A-5) 6. Ameer @ Md. Amir Ali, aged about 45 years, S/O- Md. Hazrat Ali.... (A-6) 7. Altaf @ Altaf Hussain, aged about 90 years, S/O- Md. Hasen.... (A-7) 8. Nausad @ Nausad Ali, aged about 72 years, S/O- Belal..(A-8) 9. Md. Safique, aged about 63 years, S/O- Giasuddin.... (A-9) 10. Jharu @ Abdul Salam, aged about 54 years, S/O- Altaf Hussain.... (A-10) 11. Gafoor @ Md. Abdul Gafoor, aged about 41 years, S/O- Md. Islam (A-11) 12. Awed @ Abed Ali, aged about 64 years, S/O- Bilayat Ali.... (A-12) 13. Kalam @ Abdul Kalam, aged about 55 years, S/O- Altaf Hussain.... (A-13) 14. Afsar @ Afsar Ali, aged about 55 years, S/O- Bilayat Ali.... (A-14)

01.07.26

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	15. Sikandar @ Md. Sikandar Ali , aged about 57 years, S/O- Md. Altaf..... (A-15)
	16. Md. Khalil , aged about 44 years, S/O- Hajrat Ali.... (A-16)
	17. Naemuddin , aged about 51 years, S/O- Hajrat Ali.... (A-17)
	18. Md. Noorul @ Md. Nurul Haque , aged about 61 years, S/O- Md. Hasan Ali.... (A-18)
	19. Md. Jalil , aged about 41 years, S/O- Hajrat Ali.... (A-19)
	20. Md. Ayesha , aged about 46 years, S/O- Md. Ansur.... (A-20)
	21. Md. Nausad , aged about 62 years, S/O- Md. Hasan Ali..(A-21)
	R/O Vill- Bauliya Diyara, P.S.-Manihari, Dist-Katihar, Bihar.
REPRESENTED BY	Ld. Adv. Shri Suvesh Kumar Jha

FORM B

Date of Offence	17.03.2010
Date of FIR	17.03.2010
Date of Charge-sheet	31.01.2011
Date of Cognizance	03.01.2012
Date of Framing of Charges	03.09.2012
Date of commencement of prosecution evidence	07.11.2012
Prosecution evidence closed	18.12.2025
Date of recording Statement U/Sec 313 of Cr.P.C.	06.05.2026
Date of commencement of defense evidence	13.05.2026
Defense evidence closed	13.05.2026
Date on which judgment is reserved	18.06.2026
Date on which Judgment is Pronounced	01.07.2026
Date of the Sentencing Order, if any	N.A.

Accused Details:

S. No.	Name of Accused	Date of Arrest/ Surrender	Date of Release on Bail	Offences Charged U/S	Whether Acquitted or convicted	Sentence Imposed	Period of De-tention Under-gone during Trial for purpose of section 428 Cr.P.C.
1.	Md. Muzzaffar @ Md. Muzffar Hussain	09.07.10	09.07.10	307, 326, 324,, 323, 147, 148, 325, 149 of IPC	Acquitted	N.A.	N.A.
2.	Amzad	09.07.10	09.07.10	-Do-	Acquitted	N.A.	N.A.
3.	Sukruddin @ Md. Hakim	17.07.12	17.07.12	-Do-	Acquitted	N.A.	N.A.
4.	Vilayat @ Vilayat Ali	17.07.12	17.07.12	-Do-	Acquitted	N.A.	N.A.
5.	Jahid @ Md. Jahir	17.07.12	17.07.12	-Do-	Acquitted	N.A.	N.A.

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6.	Ameer @ Md. Amir Ali	17.07.12	17.07.12	-Do-	Acquitted	N.A.	N.A.
7.	Altaf @ Altaf Hussain	17.07.12	17.07.12	-Do-	Acquitted	N.A.	N.A.
8.	Nausad @ Nausad Ali	23.10.10	23.10.10	-Do-	Acquitted	N.A.	N.A.
9.	Md. Safique	17.07.12	17.07.12	-Do-	Acquitted	N.A.	N.A.
10.	Jharu @ Abdul Salam	23.10.10	23.10.10	-Do-	Acquitted	N.A.	N.A.
11.	Gafoor @ Md. Abdul Gafoor	09.07.10	09.07.10	-Do-	Acquitted	N.A.	N.A.
12.	Awed @ Abed Ali	23.10.10	23.10.10	-Do-	Acquitted	N.A.	N.A.
13.	Kalam @ Abdul Kalam	09.07.10	09.07.10	-Do-	Acquitted	N.A.	N.A.
14.	Afsar @ Afsar Ali	17.07.12	17.07.12	-Do-	Acquitted	N.A.	N.A.
15.	Sikandar @ Md. Sikandar Ali	09.07.10	09.07.10	-Do-	Acquitted	N.A.	N.A.
16.	Md. Khalil	23.10.10	23.10.10	-Do-	Acquitted	N.A.	N.A.
17.	Naemuddin	23.10.10	23.10.10	-Do-	Acquitted	N.A.	N.A.
18.	Md. Noorul @ Md. Nurul Haque	23.10.10	23.10.10	-Do-	Acquitted	N.A.	N.A.
19.	Md. Jalil	09.07.10	09.07.10	-Do-	Acquitted	N.A.	N.A.
20.	Md. Ayesha	09.07.10	09.07.10	-Do-	Acquitted	N.A.	N.A.
21.	Md. Nausad	17.07.12	17.07.12	-Do-	Acquitted	N.A.	N.A.

JUDGMENT

1. Initially, twenty three accused persons namely (1) Md. Muzzaffar @ Md. Muzffar Hussain (2) Amzad, (3) Sukruddin @ Md. Hakim, (4) Vilayat @ Vilayat Ali, (5) Jahid @ Md., (6) Ameer @ Md. Amir Ali, (7) Altaf @ Altaf Hussain, (8) Nausad @ Nausad Ali, (9) Md. Safique, (10) Jharu @ Abdul Salam, (11) Gafoor @ Md. Abdul Gafoor, (12) Awed @ Abed Ali, (13) Kalam @ Abdul Kalam, (14) Afsar @ Afsar Ali, (15) Sikandar @ Md. Sikandar Ali, (16) Md. Khalil, (17) Naemuddin, (18) Md. Noorul @ Md. Nurul Haque, (19) Md. Jalil, (20) Md. Ayesha, (21) Md. Nausad, (22) Hazrat and (23) Ansoor were charged for the offence punishable U/S 307, 326, 324., 323, 147, 148, 325/ 149 of IPC and all the accused persons were facing trial but the accused Hazrat and Ansoor have died, as such, trial of both accused Hazrat and Ansoor were dropped vide order dated 30.05.2022 and Now, the twenty one accused persons namely (1) Md. Muzzaffar @ Md. Muzffar Hussain (2) Amzad, (3) Sukruddin @ Md. Hakim, (4) Vilayat @ Vilayat Ali, (5) Jahid @ Md., (6) Ameer @ Md. Amir Ali, (7) Altaf @ Altaf Hussain, (8) Nausad @ Nausad Ali, (9) Md. Safique, (10) Jharu @ Abdul Salam, (11) Gafoor @ Md. Abdul Gafoor, (12) Awed @ Abed Ali, (13) Kalam @ Abdul Kalam, (14) Afsar @ Afsar Ali, (15) Sikandar @ Md. Sikandar Ali, (16) Md. Khalil, (17) Naemuddin, (18) Md. Noorul @ Md. Nurul Haque, (19) Md. Jalil,

(20) Md. Ayesah, and (21) Md. Nausad are facing trial for the same offence.

FACTUAL BACKGROUND

2. The case of the prosecution as per written application of informant namely Abdul Haque is that on 17.03.2010 at about 10:00 A.M., the accused persons attempted to forcibly plow the land adjacent to the informant's house. When the informant and his entourage objected, the accused persons assaulted them with lathi, bhala, farsa and gadasa, and injured them. Hence, the present case.

3. On the basis of the written application of the informant, Manihari P.S. Case No. 46/2010 dated 17.03.2010 was instituted against the above named accused persons for the offences punishable U/S 307, 326, 324,, 323, 147, 148, 325/ 149 of IPC and 27 Arms Act and upon completion of investigation, the charge-sheet bearing No. 8/2011 dated 31.01.2011 was submitted on 07.02.2011. Subsequently, cognizance of the offences punishable U/S 307, 326, 324,, 323, 147, 148, 325/ 149 of IPC was taken on 03.01.2012 by the court of Ld. C.J.M., Katihar against the above named accused persons.

4. After completion of the appearance of the above named accused persons, the complete sets of police papers were supplied to the accused and the then Ld. J.M.-Ist Class Md. Manjur Alam, Katihar, committed the case record to the Court of Sessions, Katihar on 03.08.2012 and accordingly, Sessions Trial Case No. 471/2012 was instituted and in due course of time, the case record was received to this court by the order of the Ld. Sessions Judge, Katihar for trial & disposal in accordance with law.

TRIAL PROCEEDINGS

5. Hearing rival arguments of both the sides, charges were framed for the offences punishable U/S 307, 326, 324,, 323, 147, 148, 325/ 149 of IPC against the above named accused persons and the same were read over and explained to them in Hindi on 03.09.2012 to which they pleaded not guilty and claimed trial. Accordingly, the case was fixed for prosecution evidence.

6. To substantiate its case, the prosecution has examined altogether three (03) witnesses. The brief description, serial number, name of witnesses etc. are being produced here for easy reference. The prosecution has produced following evidence:-

A) ORAL EVIDENCE

Sl. No.	Name	Type	Date of examination
PW-1	Md. Rasid	Other Witness	21.12.2012
PW-2	Md. Majharul Haque	Other Witness	14.03.2013
PW-3	Sajjad	Other Witness	29.08.2018

B) DOCUMENTARY EVIDENCE

Sl. No.	Description of Document	Date of Admission	With or Without Objection
	N.A.		

7. Thereafter, no other witnesses were examined by the prosecution and prosecution evidence was closed on 18.12.2025. The statements of the above named accused persons were recorded on 06.05.2026, U/S 313 Cr.P.C and all the incriminating evidences had been put to them in their vernacular language to which they stated that they have been falsely implicated in the present case and are innocent and on 13.05.2026, the defence evidence was closed on the prayer of the Ld. defence counsel. Accused persons have not produced any oral or documentary evidence in support of their defense.

POINT FOR DETERMINATION

8. The point for determination before this court is that whether the prosecution has been able to prove its case beyond the shadow of reasonable doubts against the accused persons or not?

APPRECIATION OF EVIDENCE

9. Now, this court shall discuss all the evidence available on the records in the light of charges levelled against the accused persons.

10. A brief scrutiny of the evidence recorded in the matter is as under: -

(i) **PW-1 Md. Rasid** has stated in his examination-in-chief that he has no knowledge about the occurrence (Para-1). On the request of prosecution, this witness has been declared hostile.

(ii) **PW-2 Md. Majharul Haque** has stated in his examination-in-chief that the occurrence occurred two to three years ago. He heard that fight happened. Abdul, Latif and others had beaten up. He identified Anjoor Rahman and claim to identify other accused (Para-1). During the course of cross-examination done on behalf of defence, this witness has stated that Anjoor, Rahman and others are his villager, so he identified them. He told about the fight at the behest of the villagers, but he can't told his name. He was not present at the time of occurrence. He has voluntarily testified.

(iii) **PW-3 Sajjad** has stated in his examination-in-chief that he has no knowledge about the occurrence. He does not know Abdul Haque (Para-1). On the request of prosecution, this witness has been declared hostile.

ARGUMENT OF RIVAL CONTENDERS

11. BY PROSECUTION: -

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The Ld. Addl. P.P. for the State argued that the prosecution, through the evidence adduced, has been able to prove the case beyond reasonable doubt and therefore, the accused persons are liable to be convicted and sentenced accordingly.

12. BY DEFENCE: -

The learned counsel arguing for the accused persons, submitted that the whole prosecution story to be false & concocted one. The Ld. Counsel submitted that all the witnesses examined by the prosecution have not supported the prosecution story. It is argued further that basically this is a case of no evidence, accordingly, it is prayed by the Ld. Counsel that the accused persons deserve kind consideration of acquittal from the charges leveled against them.

DECISION AND REASON FOR THE DECISION

13. Having heard the arguments advanced by Ld. Addl. P.P. for State as well as the Ld. Counsel for accused persons and have meticulously perused the materials available on the case record.

14. Before going through the case and appreciating the evidence on record, I would like to state that, it is settled proposition of criminal law that the prosecution is supposed to prove its case on judicial file beyond the shadow of all reasonable doubt by leading reliable, cogent and convincing evidences and any such doubt in the prosecution story entitle the accused person to acquittal.

15. Further to prove its case on judicial files prosecution is supposed to stand on its own leg and it can't drive any benefit whatsoever from the weakness, if any, in the defence of the accused person.

16. In a criminal trial, the burden of proving everything essential to the establishment of the charge against an accused always rests on the prosecution and there is a presumption of innocence in favour of the accused until the contrary is proved. Criminality is not to be presumed, subject to some statutory exceptions.

17. Now, the case in hand, altogether three (03) prosecution witnesses have been examined in this case. Although, the informant namely Abdul Haque is stated in written application that on 17.03.2010 at about 10:00 A.M., the accused persons attempted to forcibly plow the land adjacent to the his house. When he and his entourage objected the same, the accused persons assaulted with lathi, bhala, farsa and gadasa, and injured them. But from perusal of the evidence of PW-1 and PW-3, it appears that these witnesses have not supported the case of prosecution and have turned hostile. PW-2 has stated in his examination-in-chief that the occurrence occurred two to three years ago. He heard that there was fight, Abdul, Latif and others had beaten up. He identified Anjoor Rahman and claim to identify other accused. During the course of cross-examination done on behalf of defence, this witness has stated that Anjoor, Rahman and others are his villager, so

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identified them. He stated about the fight at the behest of the villagers. He was not present at the time of occurrence. Hence, it is obvious that these witness have not supported the case. Moreover, from perusal of the entire case record, the case has been registered on 17.03.2010 and charge has been framed against the accused on 03.09.2012. Thereafter, more than thirteen years were given to prosecution to adduce the witnesses. After exhausting all process prosecution evidence has been closed on 18.12.2025 and statement was recorded U/Sec 313 of Cr.P.C. on 06.05.2026. The accused faced trial more than thirteen years, in-spite of this neither informant of this case nor I.O. nor doctor has been adduced before the court by the prosecution. Hence, it is obvious that the prosecution has not been able to establish the case against the accused persons beyond the shadow of reasonable doubt.

18. It is a settled principle of criminal law that the prosecution is supposed to prove its case on judicial file and the burden of proof in the criminal trial lies throughout upon the prosecution which never shifts.

CONCLUSION

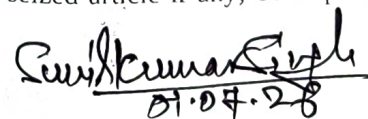
19. On the basis of discussions made above and keeping in mind the entire prosecution evidence, I find and hold that the prosecution has not been able to prove the charges levelled U/S 307, 326, 324., 323, 147, 148, 325/ 149 of IPC against the above named accused persons beyond the shadow of reasonable doubts. Hereinafter, order is passed.

ORDERED

20. Therefore, the accused persons namely (1) Md. Muzzaffar @ Md. Muzffar Hussain (2) Amzad, (3) Sukruddin @ Md. Hakim, (4) Vilayat @ Vilayat Ali, (5) Jahid @ Md., (6) Ameer @ Md. Amir Ali, (7) Altaf @ Altaf Hussain, (8) Nausad @ Nausad Ali, (9) Md. Safique, (10) Jharu @ Abdul Salam, (11) Gafoor @ Md. Abdul Gafoor, (12) Awed @ Abed Ali, (13) Kalam @ Abdul Kalam, (14) Afsar @ Afsar Ali, (15) Sikandar @ Md. Sikandar Ali, (16) Md. Khalil, (17) Naemuddin, (18) Md. Noorul @ Md. Nurul Haque, (19) Md. Jalil, (20) Md. Ayesha, and (21) Md. Nausad are hereby acquitted from the charges of the offences punishable U/S 307, 326, 324., 323, 147, 148, 325/ 149 of IPC. Accused are on bail, as such, they and their sureties are discharged from the liabilities of their respective bail bonds.

21. File be consigned to Record Room after due recall of process; issued if any; and return of original Documents; if any; to the parties and seized article if any; be disposed off as per rule.

Dated: The 01st day of July, 2026

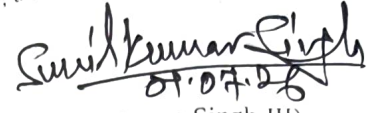

01.07.26

(Sunil Kumar Singh-III)
Distt. & Addl. Sessions Judge-III,
Civil Court, Katihar

Session Trial No. 471/2012

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This judgment has been written, corrected, signed, sealed, dated and pronounced by me in open court today i.e., on 01.07.2026.


01.07.26

(Sunil Kumar Singh-III)
Distt. & Addl. Sessions Judge-III,
Civil Court, Katihar

Dated: The 01st day of July, 2026

WEB COPY, CIVIL COURT, KATIHAR

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

EVIDENCE ON BEHALF OF PROSECUTION

A) ORAL EVIDENCE

Sl. No.	Name	Type	Date of examination
PW-1	Md. Rasid	Other Witness	21.12.2012
PW-2	Md. Majharul Haque	Other Witness	14.03.2013
PW-3	Sajjad	Other Witness	29.08.2018

B) DOCUMENTARY EVIDENCE

Sl. No.	Description of Document	Date of Admission	With or Without Objection
	N.A.		

EVIDENCE ON BEHALF OF DEFENCE

Accused persons have not adduced either any oral or documentary evidence in support of their defence.

Dated: The 01st day of July, 2026


(Sunil Kumar Singh-III)
Distt. & Addl. Sessions Judge-III
Civil Court, Katihar

Date of Judgment/ Order	01.07.2026
Date of Reserving Judgment/ Order	18.06.2026
Uploading Date	
Uploaded by	