

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- 04.07.2026]

[Sessions Trial No. 280/2022]

(Arising out of Muffassil P.S. Case No. 212/2020)

U/S 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act

PROSECUTION	State of Bihar Through: Sabita Devi – Informant
REPRESENTED BY	Ld. A.P.P. Shri S.N. Singh
ACCUSED	1. Sangeeta Devi, aged about 45 years, W/O- Dilip Uraon (A-1) 2. Meghnath Uraon, aged about 45 years, S/O- Late Ravi Lal Uraon (A-2) 3. Brahma Uraon, aged about 26 years, S/O- Late Dhaneshwar Uroan (A-3) 4. Ram Dulari Devi, aged about 33 years, D/O- Pintu Uraon (A-4) 5. Ranjit Uraon, aged about 35 years, S/O- Late Rudal Uraon (A-5) 6. Jyoti Kumari @ Buchiya Kumari, aged about 23 years, D/O- Suraj Uraon (A-6) 7. Virma Devi, aged about 30 years, W/O Jhuppa Uraon (A-7) 8. Pradeep Uraon, aged about 50 years, S/O Late Lakhan Uraon (A-8) 9. Kishun Uraon, aged about 62 years, S/O Late Garbhu Uraon (A-9) 10. Chandan Uraon, aged about 33 years, S/O Late Chhangu Uraon (A-10) 11. Dilip Uraon, aged about 50 years, S/O Late Narayan Uraon (A-11)

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	12. Chhotelal Uraon, aged about 33 years, S/O Late Bahadur Uraon (A-12) All the above accused are R/O Vill-Khaira, P.S.- Muffassil, Dist-Katihar, Bihar
REPRESENTED BY	Ld. Adv. Shri Chandan Jaiswal

FORM B

Date of Offence	20.09.2020
Date of FIR	21.09.2020
Date of Charge-sheet	30.11.2020
Date of Cognizance	18.01.2021
Date of Framing of Charges	25.11.2022
Date of commencement of prosecution evidence	19.01.2023
Prosecution evidence closed	14.11.2025
Date of recording Statement U/Sec 313 of Cr.P.C.	17.11.2025
Date of commencement of defense evidence	05.12.2025
Defense evidence closed	12.01.2026
Date on which judgment is reserved	22.06.2026
Date on which Judgment is Pronounced	04.07.2026
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 Detention Undergone during Trial for purpose of section 428 Cr.P.C.
A-1	Sangeeta Devi	04.11.20	04.11.20	U/Sec 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act	Acquitted	N.A.	N.A.
A-2	Meghnath Uraon	14.10.20	06.11.20	U/Sec 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act	Acquitted	-DO-	-DO-
A-3	Brahma Uraon	04.11.20	04.11.20	U/Sec 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act	Acquitted	-DO-	-DO-

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A-4	Ramdulari Devi	04.11.20	04.11.20	U/Sec 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act	Acquitted	-DO-	-DO-
A-5	Ranjeet Uraon	24.09.20	31.10.20	U/Sec 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act	Acquitted	-DO-	-DO-
A-6	Jyoti Kumari @ Buchiya Kumari	04.11.20	04.11.20	U/Sec 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act	Acquitted	-DO-	-DO-
A-7	Virma Devi	04.11.20	04.11.20	U/Sec 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act	Acquitted	-DO-	-DO-
A-8	Pradeep Uraon	24.09.20	31.10.20	U/Sec 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act	Acquitted	-DO-	-DO-
A-9	Kishun Uraon	04.11.20	04.11.20	U/Sec 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act	Acquitted	-DO-	-DO-
A-10	Chandan Uraon	04.11.20	04.11.20	U/Sec 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act	Acquitted	-DO-	-DO-
A-11	Dilip Uraon	04.11.20	04.11.20	U/Sec 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act	Acquitted	-DO-	-DO-
A-12	Chhotelal Uraon	04.11.20	04.11.20	U/Sec 307, 323, 328, 341, 448, 504/34 of IPC & Sec 3, 4 Prevention of Witch Practices Act	Acquitted	-DO-	-DO-

JUDGMENT

1. The above named all the accused persons namely Sangeeta Devi [A-1], Meghnath Uraon [A-2], Brahma Uraon [A-3], Ram Dulari Devi [A-4], Ranjit Uraon [A-5], Jyoti Kumari @

Buchiya Kumari [A-6], Virma Devi [A-7], Pradeep Uraon [A-8], Kishun Uraon [A-9] Chandan Uraon [A-10], Dilip Uraon [A-11] and Chhotelal Uraon [A-12], are charged for the commission of the offences punishable U/Sec 307, 323, 328, 341, 448, 504 r/w 34 of IPC & U/Sec 3 and 4 Prevention of Witch Practices Act and they are facing trial for the said offences.

FACTUAL BACKGROUND

2. The case of the prosecution as per written report of the informant namely Savita Devi in brief is that Sapna Kumari, the six-year-old daughter of Dilip Uraon, frequently used to fall ill. Because of this, Dilip Uraon used to accuse her of being a witch and of practicing black magic upon his daughter. On this pretext, he and others regularly abused and harassed her by calling her a witch. On 20.01.2020 at about 9:00 AM, while she and her family members were sitting in their house, Dilip Uraon, along with his family members and associates, came there and started abusing her by calling her a witch. When she protested, Sangeeta Devi, Dilip Uraon, Meghnath Uraon, Brahma Devi, Chhotelal, Jyoti Kumari, Brahma Uraon, Ramdulari Devi, Ranjit Uraon, Kishun Uraon, Chandan Uraon and about 15–20 unknown women forcibly entered in her house and assaulted her with fists and kicks while abusing her. Seeing the assault, her daughter and some neighboring women came to intervene, but they too were assaulted by the accused persons. Thereafter, Ranjit Uraon brought human excreta, and all the accused persons jointly forced her and others to consume it. After assaulting them, the accused persons threatened to drive them out of the village and to kill them. As efforts were being made to resolve the matter through a village panchayat so delay has been caused in giving the application. Hence, this FIR has been registered.

3. On the basis of the written report of the informant, Muffassil P.S. Case No. 212/2020 dated 21.09.2020 was instituted against the above-named accused persons for the offences punishable U/S 448, 341, 323, 328, 307, 504/34 of the I.P.C. and Section 3 and 4 Dayan Act and upon completion of investigation, the charge-sheet bearing No. 195/2020 dated 30.11.2020 was submitted on 04.01.2021 U/Sec 448, 341, 323, 328, 307, 504/34 of IPC and U/Sec 3 and 4 of Dayan Act, against all the above-named twelve accused persons. Subsequently, cognizance of the offences punishable U/Sec 448, 341, 323, 328, 307, 504 of IPC and U/Sec 3 and 4 of Dayan Act was taken on 18.01.2021 by the court of Ld. J.M. 1st Class, 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., Katihar, committed the case record to the Court of Sessions, Katihar on 28.03.2022 and accordingly, Sessions Trial Case No. 280/2022 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/Sec 307, 323, 328, 341, 448, 504 r/w 34 of IPC & U/Sec 3 and 4 Prevention of Witch Practices Act against the accused persons namely Sangeeta Devi [A-1], Meghnath Uraon [A-2], Brahma Uraon [A-3], Ram Dulari Devi [A-4], Ranjit Uraon [A-5], Jyoti Kumari @ Buchiya Kumari [A-6], Virma Devi [A-7], Pradeep Uraon [A-8], Kishun Uraon [A-9] Chandan Uraon [A-10], Dilip Uraon [A-11] and Chhotelal Uraon [A-12] and the same were read over and explained to them in Hindi on 25.11.2022 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 five (05) 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	Mina Devi	Other Witness	03.05.2023
PW-2	Kunti Devi	Other Witness	26.07.2023
PW-3	Sabo Kumari	Other Witness	21.09.2023
PW-4	Rukmani Devi	Other Witness	17.10.2023
PW-5	Sabita Devi	Informant	19.09.2024

B) DOCUMENTARY EVIDENCE

Sl. No.	Description of Document	Date of Admission	With or Without Objection
Ext P1/PW-5	Informant signature on written application	19.09.2024	Without Objection
Ext P1/PW-5	Signature of Sabbo Kumari, Kunti Devi, Meena Devi and Rukmani Devi on the written application as witnesses	19.09.2024	Without Objection

7. Thereafter, no other witnesses were examined by the prosecution and prosecution evidence was closed on 14.11.2025. The statements of the above-named accused persons were recorded on 17.11.2025, 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 12.01.2026, 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 Mina Devi** has stated in her examination-in-chief that the occurrence took place on 20.09.2020, at about 9:00 a.m. On the date and time of occurrence, Meghnath Uraon, Dilip Uraon, Kishnu Uraon, Sanjita Devi, Pradeep Uraon, Jhuppa Uraon, Birma Devi, Jyoti Kumari, Ranjit Uraon and others, totaling 13 persons, jointly forced Meena Devi, Kunti Devi, Rukmani Devi, Savita Devi and Sabbo Kumari to consume human excreta. Thereafter, they forcibly entered in her house, dragged away her husband Sarjun Uraon, her son Avadhesh Uraon, Chhotelal Uraon, Rajendra Uraon and Kamaldev Uraon, and assaulted them. Subsequently, they took the injured persons to Sadar Hospital, where they received medical treatment. Today, in Court, she identify the accused persons namely Meghnath Uraon, Dilip Uraon, Kishnu Uraon, Pradeep Uraon, Ranjit Uraon, Jhuppa Uraon, Barma Uraon, Sanjita Devi, Jyoti Kumari, Virma Devi and Chandan Uraon, who are present before the Court.

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(ii) **PW-2 Kunti Devi** has stated in her examination-in-chief that the occurrence took place about two and a half years ago at about 9:00 a.m. At that time, she was present at his house. Sanjita Devi, Dilip Uraon and Meghnath first entered in her courtyard, and thereafter Chhotelal, Pradeep, Kishnu, Jhuppa and about 12-13 persons assembled there. Sanjita Devi caught hold of her hair and dragged her to the courtyard of Meghnath, where they assaulted her. Thereafter, Ranjit mixed human excreta and, after restraining her, forcibly made her consume it. Subsequently, She went to Sadar Hospital and received medical treatment, after which She went to the police station. The police recorded her statement. Later, all the accused persons threatened her that they would kill her, assault her and drive her out of her house. Today, upon receiving notice from the Court, She has appeared to depose as a witness. She identify Sanjita Devi, Dilip Uraon, Ramdulari, Chandan and the other accused persons present in Court.

(iii) **PW-3 Sabo Kumari** has stated in her examination-in-chief that the incident occurred in September 2020 at about 9:00 a.m. At that time, she was present at her house. On every new moon and full moon night, the daughter of Sangeeta Devi used to fall ill. Because of this, Sangeeta Devi, Dilip Uraon and Meghnath Uraon used to say that she and her family members were witches and should be made to drink human excreta. Thereafter, Ranjit Uraon, Sangeeta Devi, Hema Devi and Jyoti Kumari came and declared that they were witches and should be made to drink human excreta. They abused her, assaulted her and forcibly made her consume human excreta. Among those who made her drink the excreta were Ranjit Uraon, Chandan Uraon, Chhotelal Uraon and Kishan Uraon, who abused and humiliated her before forcing her to consume it. Someone informed the police, though

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whether it was the accused persons or the victims is not known. The police came to her house and recorded the matter at the police station. Today, Meghnath Uraon, Chandan Uraon, Pradeep Uraon, Sangeeta Devi, Dulari Devi, Jyoti Kumari, Kishun Uraon, Chhotelal Uraon and Dilip Uraon are present in Court, and she identifies them.

(iv) **PW-4 Rukmani Devi** has stated in her examination-in-chief that the occurrence took place about three years ago in the month of September at about 9:00 a.m. At that time, she had gone to Ravita's house to ask for vegetables and was sitting there. Meanwhile, Meghnath Uraon, Dilip Uraon, Chandan Uraon, Ranjit and about 13 other persons arrived and told her and Ravita that they were witches. Thereafter, they assaulted her, her sister Kunti Devi, Amina Devi and Rukmani Devi, forcibly took them to their house and brutally assaulted them. They pulled her by the hair and threw her to the ground. Subsequently, the accused persons forcibly made all four women consume human excreta. Thereafter, they returned home and went for a bath. After bathing, they informed the police by telephone. A police officer arrived and asked them to show the place of occurrence. They then took the police officer to the house where the incident had occurred. The police recorded their statements. Today, in Court, she identifies the accused persons namely Sanjita Devi, Ramdulari, Meghnath Uraon, Chandan Uraon, Jyoti Kumari, Chhotelal, Barma, Dilip Uraon, who are present before the Court. She further states that she can identify the other accused persons as well upon seeing them.

04.07.26
(v) **PW-5 Sabita Devi** has stated in her examination-in-chief that the occurrence took place about four years ago at about 10:00 a.m. At that time, she was present at her house. Meanwhile, Sangeeta Devi and Dilip Uraon entered her house while abusing her and calling her a witch. Thereafter, Meghnath Uraon, Dilip Uraon, Sangeeta Devi, Chhajua Kishun Uraon, Pradeep Uraon and Ranjit Uraon, along with others, started assaulting her family members. They assaulted her, her husband and her daughter, and did not even spare the child. When her sisters came to rescue them, they were also assaulted. Among the injured persons, Meena Devi, Kunti Devi, Sabbo Kumari, Rukmani Devi and Savita Devi received treatment at Sadar Hospital. She had submitted a written application before the police station regarding the occurrence, bearing her signature, which she identifies. The written application also bears the signatures of Sabbo Kumari, Kunti Devi, Meena Devi and Rukmani Devi as witnesses, which she identifies. Today, all the accused persons in this case are present before the Court, and she identifies them.

ARGUMENT OF RIVAL CONTENDERS

11. BY PROSECUTION: -

The Ld. Additional PP argued that there are serious allegations against the accused persons and they have neither committed only serious crime rather it is also inhuman act which cannot be permitted in a civilized society. It has been submitted that all the five witnesses

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have supported the case of prosecution and there is not any contradictory statement in their evidence. It has been contended that contradictions if any then it is minor in nature and required to be ignored. Placing the case before the court, the Ld. Addl. P.P. for the State during the course of his argument has submitted that the prosecution by way of his arguments, has been able to duly prove the case and therefore, the accused persons be convicted and sentenced accordingly.

12. BY DEFENCE: -

Per contra, the Ld. Defense counsel has argued that accused are innocent and they have been falsely implicated in this case due to land dispute. Certainly, the allegations are inhuman in nature but it has been made with a motive to malign the image of the accused persons intentionally. It has been submitted that any independent witnesses have not corroborated the prosecution story and the witnesses adduced are highly interested one and cannot be believed at all. It has been submitted that neither doctor nor investigating officer have been brought before the court and any explanation has not been given that why they have not been adduced before the court. It has been argued that burden is upon the prosecution to prove the guilt of the accused and due to non-examination of the IO, serious prejudice has been caused to the prosecution. The prosecution witnesses are not reliable and cannot be believed unless corroborated by any independent evidence. The learned counsel arguing for the accused persons, submitted that the whole prosecution story to be false & concocted one. 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. 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 persons to acquittal. 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 defense of the accused persons. 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 favor of the accused until the contrary is proved. Criminality is not to be presumed, subject to some statutory exceptions.

14. As per the written report of the informant, the daughter of Dilip Uraon, frequently used to fall ill and due to this reason, Dilip Uraon used to say her dayan and made allegations that she does black magic. On 20.09.2020 at 9.00 AM, Dilip Uraon along with the other named

accused persons entered in her house and making allegations of dayan, abused her and when she opposed then all the accused persons assaulted her with fists and legs. Sabo, Kunti, Mina and Rukumani reached there to intervene then all assaulted them also and Ranjit Uraon brought human excreta and all the accused persons forced her and others to consume it. The informant of this case has been examined as Pw-5 and she has stated in her chief that incident took place before four years at 10.00 AM. She was at her house and in meantime Sangeeta Devi and Dilip Uran entered in her house. After them, rest accused also entered in her house and did marpit with her, her husband and her child. Here in her examination in chief, she has improved her statement by stating that accused also assaulted her husband because no such statement has been given by her in her written report. Moreover, Pw-5 has not stated any single word in her examination in chief with respect to use of force for consuming the human excreta. The FIR is not substantial piece of evidence and it can be used for the purpose of corroboration and contradiction. On this point, there is major contradiction in evidence of informant with her written report. She has identified her signature which has been marked Ext-P1/Pw-5 and signatures of Kunti Devi, Sabo Kumari, Mina Devi and Rukumani Devi as Ext-P2/Pw-5. The informant has not proved the content of FIR. There is not any statement that who wrote this written report and whether it was read over and explained to her or not. There is no statement that after finding it correct, she put her signature on this written report. She has only identified her signature and signatures of rest persons. It means that she has not proved the content of the FIR.

15. Pw-5 has also stated that after the incident, she Mina, Kunti, Sabo and Rukumani went at Sadar Hospital and get their treatment. However, in her cross examination, she has admitted that there is land dispute between her husband and the accused persons. She has stated that she reached at medical college at 9.00 AM. She has also stated that she met with daroga ji next day of incident and after it never met with him. Pw-1 has stated in her examination in chief that accused did marpit with her, her husband Sarjun Uraon and her son Awadhesh Uraon and accused forced her and Kunti, Rukumani, Sabita and Sabbo to consume human excreta. She also stated that she and other get their treatment at Sadar Hospital. Pw-1 has contradicted Pw-5 on the point of consuming human excreta as well as incident of marpit with her husband and son by the accused persons. Thus, Pw-1 has contradicted the written report as well as Pw-5 on the point of marpit with her husband and son. In her cross examination, she has admitted that since accused belongs to her village so she identified them. It means, she did not identify them as assailants rather as her villagers.

16. Pw-2 is own sister of the informant and she has stated that she was in her house and in meantime accused came there and Sanjeeta Devi caught her hair and dragged her in her house and did marpit with her and Ranjit Uraon forced her to consume human excreta. After it, she went to Sadar Hospital and get her treatment. She is own sister of the informant and as per her statement, the incident did not take place in the house of the informant rather

it took place in house of Sanjeeta Devi. As per the statement of Pw-2, the accused only forced Pw-2 to consume human excreta and only she got her treatment at Sadar Hospital. By her evidence, she has not only contradicted the facts of the written report, rather she has also contradicted Pw-1 and Pw-5. According to Pw-2, only she has been assaulted and only she got her treatment but rest witnesses are stating the different story. Pw-2 has admitted in her cross examination that there are houses of Mahesh Lal Uraon, Bhima Uraon, Sabita Devi, Lakhan Uraon, Siddhu Uraon, Nehru Ram, Dibiya Uraon, Brajlal Uraon, Ashok and Dilip between her house and house of the accused persons but none of them have gave their evidence in this case. she has also admitted in para-13 and 14 that she never met with police and case has been drafted by Wakil Saheb. It means that written report is well thought and has been drafted after application of legal brain. It is not spontaneous and natural one.

17. Pw-3 is daughter of informant and niece of Pw-2 and she has supported the prosecution story in her examination but she has only stated that accused did maripit with them and forced to consume human excreta. She has not stated that to whom accused forced to consume human excreta. Whether, it was she or her mother or her mausi or someone else or to all. On this point her statement is completely vague and cannot be gathered that actually who is the victim. Pw-3 has also not stated any single word with respect to the treatment of any persons as stated by Pw-1, Pw-2, and Pw-5 in their statement. Thus, it is the major contradiction on the point of treatment of the victims and case of the prosecution. Pw-4 has supported the case of prosecution on the point of marpit and forceful consuming of human excreta but she is mum on the point of treatment. In her cross examination, she has deposed that Awadhesh arranged to call daroga ji and daroga ji came at once. She deposed further that munshi of daroga ji wrote the written application. Thus, according to Pw-4, the written report was prepared by munshi of police station.

18. In this case, the alleged injury report or papers of any treatment has not been brought before the court. the witnesses have made contradictory statement on the point of their treatment. Most important, doctor has not been brought before the court who did treatment of the victims as per the prosecution evidence. Certainly, in every case injury is not required to be proved but if there is specific claim that they have been treated then it becomes incumbent upon the prosecution to prove this fact to brought the truth before the court but it did not happen in the present case. Further, investigating officer of this case has not been brought before the court and there is not any reasonable explanation that why it happened so. The witnesses have made highly contradictory statement as well as it is also clear that they have improved their statement before the court. In such situation, it was only the investigating officer who was in a position to clarify these all facts. Due to non-examination of the investigating officer, the accused have been failed to draw attention of the earlier statement of the witnesses given before the IO and they also failed to contradict the earlier statement of the witnesses and it caused serious prejudice to the accused persons.

19. According to FIR the incident took place on 20.09.2020 and as per evidence of Pw-4, police reached there just after the incident and prepared the written report then why the case was registered on 21.09.2020. However, some of the witnesses have stated that written report was prepared by Wakil Saheb. The witnesses have also made contradictory statement even on the point of place of occurrence and due to non-examination of investigating officer, prosecution has also been failed to prove the place of occurrence of this case. It is settled principle of criminal law that prosecution is supposed to prove its case on judicial file and the burden of proof in criminal trial lies throughout upon the prosecution which never shifts.
20. It is settled proposition of criminal law that prosecution has to prove its case on the judicial file beyond reasonable doubts and any such doubt in the prosecution story entitle the accused to acquittal. It is cardinal principle of jurisprudence that the criminal law can never work on mere conjecture and surmises or suspicion. This is a principle of jurisprudence that the prosecution has to stand on its own legs and it doesn't gain any strength from the weakness of the defense. The prosecution has to prove each and every ingredient of the offence against the accused persons and this general burden never shifts, unless provided by the statute as such. The prosecution case may be true but the criminal jurisprudence says that the prosecution case must be true and there is long mental gap between may be true and must be true. The prosecution has to prove the guilt of the accused beyond all reasonable doubts by adducing positive cogent evidence and not by mere raising suspicion on his conduct as such. It is a settled principle of criminal jurisprudence that the burden of proof lies on the prosecution and it has to prove a charge beyond reasonable doubt. The presumption of innocence and the right to fair trial are twin safeguards available to the accused under our criminal justice system. The prosecution has to prove its case by leading evidence in conjunction with the chain of events as are stated to have occurred and this evidence must point irresistibly to the conclusion that the accused is guilty. The seriousness of the offence also requires much stricter proof.
21. In the present case, the witnesses are close relatives of each other but they have made highly contradictory statements. The content of the FIR has not been proved. There is no injury report. There is no examination of doctor. There is no examination of investigating officer. There is no independent witness though several persons saw the incident. There is contradiction on the point of place of occurrence, on the point of treatment, on the point of marpit and on the point of forceful consuming of human excreta. Cumulatively, all these facts makes the prosecution case suspicious one and accused are entitled to benefit of doubt.

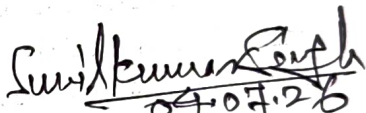
CONCLUSION

22. 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/Sec 307, 323, 328, 341, 448, 504 r/w 34 of IPC & U/Sec 3 and 4 Prevention of Witch Practices Act against the accused persons namely Sangeeta Devi [A-1], Meghnath Uraon [A-2], Brahma Uraon [A-3], Ram Dulari Devi [A-4], Ranjit Uraon [A-5], Jyoti Kumari @ Buchiya Kumari [A-6], Virma Devi [A-7], Pradeep Uraon [A-8], Kishun Uraon [A-9] Chandan Uraon [A-10], Dilip Uraon [A-11] and Chhotelal Uraon [A-12] beyond the shadow of reasonable doubts. Hereinafter, order is passed.

ORDERED

23. Therefore, the accused persons facing trial in this case namely Sangeeta Devi [A-1], Meghnath Uraon [A-2], Brahma Uraon [A-3], Ram Dulari Devi [A-4], Ranjit Uraon [A-5], Jyoti Kumari @ Buchiya Kumari [A-6], Virma Devi [A-7], Pradeep Uraon [A-8], Kishun Uraon [A-9] Chandan Uraon [A-10], Dilip Uraon [A-11] and Chhotelal Uraon [A-12] are hereby acquitted from the charges of the offenses punishable U/Sec 307, 323, 328, 341, 448, 504 r/w 34 of IPC & U/Sec 3 and 4 Prevention of Witch Practices Act. Accused persons are on bail as such, they and their sureties are discharged from the liabilities of their respective bail bonds.
24. 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 articles if any, be disposed of as per rule.

Dated: The 4th Day of July 2026


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

This judgment has been written, corrected, signed, sealed, dated and pronounced by me in open court today i.e., on 04.07.2026.

Dated: The 4th Day of July 2026


(Sunil Kumar Singh-III)
Distt. & Addl. Sessions Judge-III.
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	Mina Devi	Other Witness	03.05.2023
PW-2	Kunti Devi	Other Witness	26.07.2023
PW-3	Sabo Kumari	Other Witness	21.09.2023
PW-4	Rukmani Devi	Other Witness	17.10.2023
PW-5	Sabita Devi	Informant	19.09.2024

B) DOCUMENTARY EVIDENCE

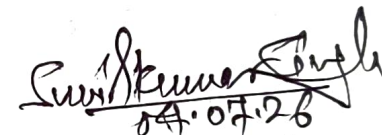
Sl. No.	Description of Document	Date of Admission	With or Without Objection
Exhibit P1/PW-5	Informant signature on written application	19.09.2024	Without Objection
Exhibit P1/PW-5	Signature of Sabbo Kumari, Kunti Devi, Meena Devi and Rukmani Devi on the written application as witnesses	19.09.2024	Without Objection

04.07.26

EVIDENCE ON BEHALF OF DEFENCE

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

Dated: The 4th Day of July 2026


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

Date of Judgment/ Order	04.07.2026
Date of Reserving Judgment/ Order	22.06.2026
Uploading Date	
Uploaded by	