

IN THE COURT OF ADDL. SESSIONS JUDGE-II, KATIHAR Present:- Asutosh Rai, Addl. Sessions Judge, II, Katihar [Date of judgment- 24 April, 2026] [S. Trial No. 329/2025] Police-station-Barari(Semapur) P.S. case No. 264/23 F.I.R. u/s- 341, 323, 307, 354B 448, 427, 504,/34 of the I.P.C.	
Complainant/Informant	State of Bihar through informant namely Rukhsana Khatoon, W/O-Md. Shakil R/O-Vill-Bhil Tola ward No. -07 P.S.-Barari (Semapur) Distt.-Katihar
Represented By	Sri Md. Ezaj Alam Id. A.P.P.
Accused	1. Sulekha Kumari D/o-Kamal Prasad Yadav aged about 38 years, 2. Vikram Kumar Yadav S/o-Kamal Prasad Yadav, aged about 24 years, 3.Kamal Prasad Yadav S/o- late Shivaji Yadav, aged about 60 years 4. Radha Devi W/o- Kamal Prasad Yadav aged about 54 years, all are R/o-Vill-Bhil Tola ward No. -07 P.S.-Barari (Semapur) Distt.-Katihar 5.Md. Mukhtar S/O Md. Majd Mansuri, aged about 39 years, R/O-village-Belgachhi, P.S.-Barari, Distt.-Katihar 6. Md. Istiyaque S/O Md. Ishaque aged about 40 years, R/O-Asansol, P.S.-Asansol, Distt-Vardman (W.B.) 7. Md. Ishaque S/O late Md. Usman aged about 60 yearsR/O-Asansol, P.S.-Asansol, Distt-Vardman (W.B.)
Represented By	Shri Pramod Kumar, Id. Advocates

--	--

Date of Offence	19.05.12
Date of F.I.R.	20.05.12
Date of Charge-sheet	28.02.13/30.03.13
Date of Framing of Charge	06.01.14
Date of Commencement of evidence	02.04.14
Date of which judgment is reserved	13.02.26
Date of Judgment	24.02.26
Date of Sentencing Order, if any	N/A

Accused Details

Rank	Name of Accused	Date of Arrest/ Surrender	Date of Release on Bail	Charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428 of Cr.P.C.
01	Sulekha Kumari	12-07-24	12-07-24	U/s- 341, 323, 307, 504,34 of the I.P.C.	Acquitted	N/A	N/A
02	Vikram Kumar Yadav	12-07-24	12-07-24	Do	Do	N/A	N/A
03	Kamal Prasad Yadav	12-07-24	12-07-24	Do	Do	N/A	N/A
04	Radha Devi	12-07-24	12-07-24	Do	Do	N/A	N/A

05	Md. Mukhtar	12-07-24	12-07-24	Do	Do	N/A	N/A
06	Md. Istiyaque	24-07-24	24-07-24	Do	Do	N/A	N/A
07	Md. Ishaque	24-07-24	24-07-24	Do	Do	N/A	N/A

JUDGMENT

1. The accused persons namely Sulekha Kumari, Vikram Kumar Yadav, Kamal Prasad Yadav, Radha Devi, Md. Mukhtar, Md. Istiyaque and Md. Ishaque stand charged for the offences punishable u/s- 341, 323, 307, 504,/34 of the I.P.C. as leveled against them.

CASE OF PROSECUTION/BRIEF FACTS:

2. As per written report of informant namely Rukasana Khatoon prosecution case in brief is that said informant lodged a written report before S.H.O. O.P. Semapur alleging therein that on dated 31-07-23 at about 11:00 O'Clock in day she was at home. Suddenly, Sulekha Kumari, Radha Devi, Kamal Prasad Yadav, Vikram Kumar Yadav, Md. Ishaque, Md. Istiyaque and Md. Mukhtar and 40-50 unknown persons entered into her courtyard and by using filthy words they started breaking house. On protest Kamal Prasad Yadav gave a repeated blow of Dabiya at the head of Md. Sakil with intention to kill him due to which his head got injured and blood started oozing out. Md. Ishaque inflicted Gupti at the head of Rizwan due to which his head got injured and blood started oozing out. Sulekha Kumari got her down and put the Anchal of Saree at her neck and tightened the same. Radha Devi repeatedly gave a blow of Bans at her daughter Moni Khatoon, Md. Isteyak committed assaulting by fist. Vikram Kumar Yadav dragged her Saree and thereby caused her half nude and he also inflicted fist on her breast. Md. Mukhtar brutally assaulted to Md. Raza by means of rod and when Md. Sonu came to save then Md. Ishaquk brutally assaulted him. Other accused persons indiscriminately inflicted Bans, Danda, Sickle and Dabiya due to which they got injured seriously and they also broke house and furthermore

they tried to set the fire in house. On noise people assembled there then theirs lives could be saved otherwise they may cause murder to them. Lateron, injured were treated in hospital Barari.

INSTITUTION OF CASE/ INVESTIGATION/ ENQUIRY

3. On the basis of written report of informant namely Rukasana Khatoon formal F.I.R. bearing Barari (Semapur) P.S. case No. 264/2023 F.I.R. U/S- 341, 323, 307, 354B, 448, 427, 504,/34 of the I.P.C. was registered against the accused namely Sulekha Kumari, Radha Devi, Kamal Prasad Yadav, Vikram Kumar Yadav, Md. Ishaque, Md. Istiyaque and Md. Mukhtar and after investigation I.O. submitted the charge-sheet under section 341, 323, 307, 504, 506,/34 of the I.P.C. against aforesaid all accused persons.

4. Later on, after receiving the charge-sheet ld. A.C.J.M.-I, Katihar took cognizance u/s 341, 323, 307, 504, 506,/34 of the I.P.C. against the accused persons namely Sulekha Kumari, Radha Devi, Kamal Prasad Yadav, Vikram Kumar Yadav, Md. Ishaque, Md. Istiyaque and Md. Mukhtar was committed to the court of sessions for further trial. Later on, as per order of the Principal District and Sessions Judge, Katihar case record came to the file of my court for further trial and disposal.

CHARGES AGAINST ACCUSED PERSONS

5. Later on, after completion of the appearance of the aforesaid accused persons namely Sulekha Kumari, Vikram Kumar Yadav, Kamal Prasad Yadav, Radha Devi, Md. Mukhtar, Md. Istiyaque and Md. Ishaque before the court and after considering the materials available on record and on hearing the ld. A.P.P. for State as well as ld. counsel for the aforesaid accused persons, court framed the charges U/s- 341, 323, 307, 504, of the I.P.C. in written against the aforesaid all accused persons and the contents of the same were read over and explained to the aforesaid accused persons in hindi to which they denied and pleaded to be not guilty and claimed to be tried. Hence the trial.

PROSECUTION EVIDENCE

6. In order to substantiate its case prosecution side has examined altogether six (06) witnesses in the support of its case. they are:-

RANK	NAME	NATURE OF EVIDENCE
01	P.W-01- Md. Sakil	Victim to this case
02	PW-02-Ruksana Begum @Rukasana Khatoon	Informant and injured to this case
03	PW-03-Md. Rizawan	Victim to this case
04	PW-04- Md. Raza	Victim to this case
05	P.W.-05-Moni Khatoon @Jeeva Pravin	Hearsay witness
06	P.W.-06Md. Sonu @ Sarwar	Victim to this case

7. Prosecution side has adduced any documentary evidence on the record in the support of its case.

Sr. no	Exhibit No.	Description
1	Ext-PW-2/P1	Signature of Rukasana Begum over written report

STATEMENTS OF ACCUSED PERSONS

8. After conclusion of the prosecution evidence, the statement of the accused persons namely Sulekha Kumari, Vikram Kumar Yadav, Kamal Prasad Yadav, Radha Devi, Md. Mukhtar, Md. Istiyaque and Md. Ishaque were recorded under section 313 of the Cr.P.C. and all incriminating evidences were put to them but they denied veracity of prosecution evidences with the contentions that they are innocent and have falsely been implicated in this case.

9. Accused persons have not examined any witness in theirs defense, but they have adduced the following documentary evidence on record:-

(1) Ext-signature of P.W.-01 namely Md. Sakil over joint compromise petition

10. Now, the point for consideration is whether the prosecution has been able to prove the charges as leveled against the accused persons, beyond the shadow of all reasonable doubts ?

FINDINGS

11. From perusal of the record it is evident that informant and victim to this case namely P.W.-01 Md. Sakil, informant and victim to this case namely P.W.-02 Rukhsana Begum, victim to this case namely P.W.-03 Md. Rizwan, Victim to this case namely P.W.-04 Md. Raza, victim to this case P.W.-05 Moni Khatoon @ Jina Parween and victim to this case namely Md. Sonu @ Sarwar have already compromised with all four accused persons namely Sulekha Kumari, Vikram Kumar Yadav, Kamal Prasad Yadav, Radha Devi, Md. Mukhtar, Md. Istiyaque and Md. Ishaque and allegation as leveled u/s 341, 323, 504,/34 of the I.P.C. against all seven accused persons are compoundable in nature and joint compromise petition as well as permission petition are available on the record and aforesaid all witnesses who are victim to this case have clearly stated in their respective testimonies that they have compromise with all accused persons as per his free will. So, having consideration the above facts permission petition is hereby allowed and compromise petition is hereby accepted. Accordingly on the basis of compromise all the accused persons namely Sulekha Kumari, Vikram Kumar Yadav, Kamal Prasad Yadav, Radha Devi, Md. Mukhtar, Md. Istiyaque and Md. Ishaque are hereby acquitted from the charges u/s 341, 323, 504, /34 of the I.P.C. as leveled against them.

12. Since the charges u/s 307,/34 of the I.P.C. are not compoundable in nature, so in the respect of aforesaid charges all seven accused persons are hereby tried on the merits of evidence available on the record. From perusal of case record it is evident that prosecution has relied on oral as well as documentary evidence as adduced on the behalf of prosecution. From record it appears that in order to substantiate its case prosecution has examined altogether six witnesses, out of them P.W.-01 Md. Sakil has stated in his cross-examination that whatsoever he sustained injury occurred to him due to falling and he has further stated that who

committed assaulting to whom from which articles he had not seen. While, P.W.-02 Ruksana Begum has stated that no one assaulted to her neck rather he fell down himself P.W.-02 Ruksana Begum has further stated that Md. Sakil and Md. Rizwan fell down and got injured but she has never stated that any victim to this case were assaulted by the accused persons. While, P.W.-03 Md. Rizwan has stated that in the course of pushing he got injured and he fell down and due to falling he got injured but P.W.-03 has never stated that he was assaulted by any accused persons. While, P.W.-04 Md. Raza has stated that accused namely Md. Isad, Sulekha Kumari, Kamal Prasad Yadav and Radha Devi came and they started doing scuffle with his mother. In incident his cousin brother Md. Sakil and Md. Rizwan got injured. P.W.-04 has further stated that he fell down due to which he got injured. He was not assaulted by anyone. How Sakil and Rizwan sustained injury he didn't see. While, P.W.-05 Moni Khatoon @ Jiwa Parween has stated that she had not sustained injury. How Sakil and Rizwan got injured, she doesn't know. She was not at the place of occurrence. While, P.W.-06 Md. Sonu @ Sarwar has stated that on the day of incident Sulekha Kumari and her family members committed assaulting with his family members and with him. In said assaulting from his side Sakil, Rizwan and his mother got injured. Only Sakil was treated in hospital but other were not treated. While, in his cross-examination P.W.-06 has stated that how Sakil got injured he didn't see. He fell down that why he got injured. So, from the above facts it is evident that any prosecution witness has not stated that accused persons made lethal attack upon any victim to this case with intention to cause murder. Further, any witness of prosecution has not leveled any specific allegation against any accused persons. So by taking in account above all facts of this case as well as oral and documentary evidence available on record i find and hold that prosecution has not succeeded to prove the charges U/S 307,/34 of the I.P.C. against the accused persons namely Sulekha Kumari, Vikram Kumar Yadav, Kamal Prasad Yadav, Radha Devi, Md. Mukhtar, Md. Istiyaque and Md. Ishaque.

13. So, having consideration the above facts and circumstances of this case i find and hold that prosecution has not brought any evidence to prove the charges u/s 307,/34 of the I.P.C. as leveled against the aforesaid all accused persons namely Sulekha Kumari, Vikram Kumar Yadav, Kamal Prasad Yadav, Radha Devi, Md. Mukhtar, Md. Istiyaque and Md. Ishaque. So, having consideration the above facts as well as in the want of sufficient evidence I find and hold that aforesaid all accused persons namely Sulekha Kumari, Vikram Kumar Yadav, Kamal Prasad Yadav, Radha Devi, Md. Mukhtar, Md. Istiyaque and Md. Ishaque are not guilty for the offence punishable U/S 307,/34 of the I.P.C. and accordingly they are hereby acquitted from the charge U/S 307,/34 of the I.P.C. as leveled against them. As the aforesaid accused persons are on bail, accordingly, the aforesaid accused persons and theirs bailors are also discharged from the liabilities of their respective bail bonds.

14. Office is directed to send a copy of judgment to the D.M., Katihar in compliance of section 365 of Cr.P.C.

15. Office is further directed to consign the case record to the D.R.R, Katihar after necessary compliance, if any.

Judgment was dictated and corrected by me and same was pronounced by me in open court.

(Asutosh Rai)
Addl. Sessions Judge II
Katihar
24-04-26

(Asutosh Rai)
Addl. Sessions Judge II
Katihar
24-04-2026

Appendix-A**IN the COURT OF ADDL. SESSIONS JUDGE-II Katihar****Sessions Trial Case No.-618/2013****LIST OF PROSECUTION WITNESS**

RANK	NAME	NATURE OF EVIDENCE
1	P.W-01- Md. Sakil	Victim to this case
2	PW-02-Ruksana Begum @Rukasana Khatoon	Informant and injured to this case
3	PW-03-Md. Rizawan	Victim to this case
4	PW-04- Md. Raza	Victim to this case
5	P.W.-05-Moni Khatoon @Jeeva Pravin	Hearsay witness
6	P.W.-06Md. Sonu @ Sarwar	Victim to this case

LIST OF PROSECUTION EXHIBITS

Sr. no	Exhibit No.	Description
1	Ext-PW-2/P1	Signature of Rukasana Begum over written report

LIST OF DEFENCE WITNESS

RANK	NAME	NATURE OF EVIDENCE
1	NA	Nil

LIST OF DEFENCE EXHIBITS

Sr.	Exhibit No.	Description
1	Ext-A	Signature of P.W.-01 namely Md. Sakil over compromise petition.

(Asutosh Rai)

Addl. Sessions Judge-II

Katihar

24-04-26

<i>Date of Judgment</i>	20.05.12
<i>Date of Reserving order</i>	19.05.12
<i>Uploading Date</i>	25-04-2026
<i>Uploaded By</i>	Harshit Raj, Stenographer.