

**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- 22.05.2026]**

**[Session Trial No. 125/2014]**

(Arising out of Baliya Belaun P.S. Case No. 127/2001)

**U/S 399, 402, 307 of IPC**

|                |                                                                                                                                            |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| PROSECUTION    | State of Bihar<br>Through: Manager Prasad Singh- Informant                                                                                 |
| REPRESENTED BY | Ld. A.P.P. Shri S.N. Singh                                                                                                                 |
| ACCUSED        | 1. <b>Mahfool @ Mahfooj</b> , aged about 52 years, S/O- Late Asiruddin<br>R/O Vill- Chhoti Raghunathpur, P.S.-Barsoi, Dist-Katihar, Bihar. |
| REPRESENTED BY | Ld. Adv. Sri Sanjay Kumar Singh                                                                                                            |

**FORM B**

|                                                  |            |
|--------------------------------------------------|------------|
| Date of Offence                                  | 23.09.2001 |
| Date of FIR                                      | 24.09.2001 |
| Date of Charge-sheet                             | 21.12.2001 |
| Date of Cognizance                               | 04.01.2002 |
| Date of Framing of Charges                       | 17.05.2014 |
| Date of commencement of prosecution evidence     | 10.06.2014 |
| Prosecution evidence closed                      | 25.11.2025 |
| Date of recording Statement U/Sec 313 of Cr.P.C. | 11.12.2025 |
| Date of commencement of defense evidence         | N.A.       |
| Defense evidence closed                          | 11.12.2025 |
| Date on which judgment is reserved               | 15.05.2026 |
| Date on which Judgment is Pronounced             | 22.05.2026 |
| Date of the Sentencing Order, if any             | N.A.       |

STATE OF BIHAR VS. MAHFOOL @ MAHFOOJ

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 pur-pose of section 428 Cr.P.C. |
|--------|-------------------|---------------------------|-------------------------|----------------------|--------------------------------|------------------|----------------------------------------------------------------------------------|
| 1.     | Mahfool @ Mahfooj | 03.02.14                  | 15.03.14                | 399, 402, 307 of IPC | Acquitted                      | N.A.             | N.A.                                                                             |

JUDGMENT

1. The above named accused persons namely Mahfool @ Mahfooj is charged for the commission of the offences punishable under Sections 399, 402, 307 of IPC and he is facing trial for the said offences.

FACTUAL BACKGROUND

2. The case of the prosecution as per written application of informant S.H.O. Bliya Belaun namely Manager Prasad Singh, on 23.09.2001 were patrolling with other police person, during the same when they reached at Linji Govindpur, they heard commotion and explosive from the direction of Malikpur. Thereafter they reached at Malikpur and saw that around 15-20 criminals are firing indiscriminately at the villagers and a labor namely Siken Das was injured. Thereafter they caught a criminal with the help of villagers. Hence, the present case.

3. On the basis of the written application of the informant, Baliya Belaun P.S. Case No. 127/2001 dated 24.09.2001 was instituted against the above named accused person for the offences punishable U/S 399, 402, 307 of IPC and upon completion of investigation, the charge-sheet bearing No. 68/2001 dated 21.12.2001 was submitted on 04.01.2002. Subsequently, cognizance of the offences punishable U/S 399, 402, 307 of IPC was taken on 04.01.2002 by the court of Ld. C.J.M., Katihar against the above named accused person.

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. C.J.M., Katihar, committed the case record to the Court of Sessions, Katihar on 06.03.2014 and accordingly, Sessions Trial Case No. 125/2014 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 399, 402, 307 of IPC against the above named three accused person and the

STATE OF BIHAR VS. MAHFOOL @ MAHFOOJ

same were read over and explained to him in Hindi on 17.05.2014 to which he 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    | Shiken Das  | Hostile Witness | 15.09.2014          |
| PW-2    | Ravan Das   | Hostile Witness | 07.11.2014          |
| PW-3    | Subhash Das | Hostile Witness | 21.08.2015          |
| PW-4    | Umesh Singh | Hostile Witness | 10.01.2020          |
| PW-5    | Mukul Singh | Hostile Witness | 10.01.2020          |

**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 25.11.2025. The statements of the above named accused person was recorded on 11.12.2025, U/S 313 Cr.P.C and all the incriminating evidences had been put to him in his vernacular language to which he stated that he has been falsely implicated in the present case and is innocent and on 11.12.2025, the defence evidence was closed on the prayer of the Ld. defence counsel. Accused person has not produced any oral or documentary evidence in support of his 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 Shiken Das** has stated in his examination-in-chief that he has no knowledge about the occurrence. The police has not recorded his statement (Para-1). On the prayer of prosecution, this witness has been declared hostile.

STATE OF BIHAR VS. MAHFOOL @ MAHFOOJ

(ii) **PW-2 Ravan Das** has stated in his examination-in-chief that he has no knowledge about the occurrence. The police has not recorded his statement (Para-1). On the prayer of prosecution, this witness has been declared hostile.

(iii) **PW-3 Subhash Das** has stated in his examination-in-chief that he has no knowledge about the occurrence. The police has not recorded his statement (Para-1). On the prayer of prosecution, this witness has been declared hostile.

(iv) **PW-4 Umesh Singh** has stated in his examination-in-chief that the occurrence occurred eighteen to nineteen years ago. That time at Malikpur Chowk happened halla and did not go there also didn't know who caused the halla and why caused the halla (Para-1). The police has not recorded his statement and he not identified the accused Mahfooj (Para-2). On the prayer of prosecution, this witness has been declared hostile.

(v) **PW-5 Mukul Singh** has stated in his examination-in-chief that the occurrence occurred eighteen to nineteen years ago. That time at Malikpur Chowk happened halla and did not go there also didn't know who caused the halla and why caused the halla (Para-1). The police has not recorded his statement and he not identified the accused Mahfooj (Para-2). On the prayer of prosecution, this witness has been declared hostile.

28.05.26

ARGUMENT OF RIVAL CONTENDERS

11. BY PROSECUTION: -

On the other hand, 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 person, 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 person deserve kind consideration of acquittal from the charges leveled against him.

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 person 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 reli-

STATE OF BIHAR VS. MAHFOOL @ MAHFOOJ

able, cogent and convincing evidences and any such doubt in the prosecution story entitle the accused persons 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 persons.

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 favor 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 five (05) prosecution witnesses have been examined in this case. Although, the informant S.H.O. Bliya Belaun namely Manager Prasad Singh, has stated in written application, on 23.09.2001 he was patrolling with other police person, during the same when they reached at Linji Govindpur, they heard commotion and explosive from the direction of Malikpur. Thereafter they reached at Malikpur and saw that around 15-20 criminals are firing indiscriminately at the villagers and a labor namely Siken Das was injured. Thereafter they caught a criminal with the help of villagers. But from perusal of the evidence of PW-1 Shiken Das, who was injured in the alleged occurrence, has not whispered about the alleged occurrence, it appears that this witness has not supported the case of prosecution and has turned hostile. PW-2 namely Ravan Das, PW-3 namely Subhash Das, PW-4 namely Umesh Singh and PW-5 namely Mukul Singh have not supported the case of prosecution and have turned hostile. Moreover, from perusal of the entire case record, the case has been registered on 24.09.2001 and more than twelve years later charge has been framed against the accused on 17.05.2014. Thereafter, more than eleven years were given to prosecution to adduce the witnesses. After exhausting all process, prosecution evidence has been closed on 25.11.2025 and recorded statement U/Sec 313 of Cr.P.C. on 11.12.2025. The accused faced trial more than eleven years, in spite of this neither informant of this case nor I.O. nor doctor has been adduced before the court by the prosecution, the reason best known to the prosecution. The non-examination of the Informant, Investigation Officer and Medical Officer have become fatal for the case of the prosecution. Hence, it is obvious that the prosecution has not been able to establish the case against the accused person namely Mahfool @ Mahfooj beyond the shadow of reasonable doubts as the prosecution witnesses have not supported the case of the prosecution.

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 399, 402, 307 of IPC against the accused persons namely Mahfool @ Mahfooj beyond the shadow of reasonable doubts. Hereinafter, order is passed.

**ORDERED**

20. Therefore, the accused persons namely Mahfool @ Mahfooj is hereby acquitted from the charges of the offences punishable under Sections 399, 402, 307 of IPC. Accused person is on bail, as such, he and his sureties are discharged from the liabilities of his respective bail bonds.

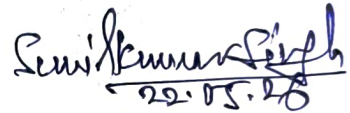
21. File be consigned to Record Room after due recall of process; issued if any; and return of original Documents; if-any; to the parties and seized article if any; be disposed off as per rule.

Dated: The 22<sup>nd</sup> day of May, 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 22.05.2026.*

Dated: The 22<sup>nd</sup> day of May, 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    | Shiken Das  | Hostile Witness | 15.09.2014          |
| PW-2    | Ravan Das   | Hostile Witness | 07.11.2014          |
| PW-3    | Subhash Das | Hostile Witness | 21.08.2015          |
| PW-4    | Umesh Singh | Hostile Witness | 10.01.2020          |
| PW-5    | Mukul Singh | Hostile Witness | 10.01.2020          |

*22.11.26*

**B) DOCUMENTARY EVIDENCE**

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

**EVIDENCE ON BEHALF OF DEFENCE**

Accused person has not adduced either any oral or documentary evidence in support of his defence.

Dated: The 22<sup>nd</sup> day of May, 2026

*Sunil Kumar Singh*  
*22.11.26*

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

|                                   |            |
|-----------------------------------|------------|
| Date of Judgment/ Order           | 22.05.2026 |
| Date of Reserving Judgment/ Order | 15.05.2026 |
| Uploading Date                    |            |
| Uploaded by                       |            |