

IN THE COURT OF ADDL. SESSIONS JUDGE-II, KATIHAR Present:- Asutosh Rai, Addl. Sessions Judge, II, Katihar [Date of judgment- 04 May, 2026] [S. Trial No. 490/2025] Police-station-Barari(Semapur) P.S. case No. 263/23 F.I.R. u/s- 341, 323, 325, 307, 448, 427, 504,/34 of the I.P.C.	
Complainant/Informant	State of Bihar through informant namely Ishaq S/O- Usman Ali, R/O-Asansol, P.S.-Asansol, Distt-Vardman (W.B.). At present-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. Md. Khalil S/o- late Saukat aged about 57 years, 2. Md. Gaffar S/o-late Saukat, aged about 26 years, 3. Md. Lallu, S/o- late Saukat, aged about 59 years 4. Md. Tippu S/o- Md. Khalil aged about 32 years, 5. Nazia Khatoon W/O Md. Rabbani, aged about 22 years, 6. Md. Babul S/O Md. Rabbani, aged about 27 years, 7. Budhiya @ Rikhasana Begum W/O Md. Khalil, aged about 48 years 8. Maimum Khatoon W/O late Md. Sadik, aged about 27 years. 9.Md. Raja S/O Md. Khalil, aged about 25 years. 10 Moni Khatoon W/O Md. Khalil, aged about 27 years 11. Md. Sonu S/O Md. Khalil, aged about 22 years 12. Kausari Begaum W/O Md. Gaffar, aged about 58 years 13. Md. Raizwan S/O Md. Lala, aged about 29

	years 14. Md. Shakil S/O late Md. Sadik aged about 22 years 15. Md. Firoz S/O Md. Gaffar, aged about 40 years, all R/O-Bhil Tola ward No. -07 P.S.-Barari (Semapur) Distt.-Katihar
Represented By	Shri B.K. Lal Rahi, Id. Advocates

Date of Offence	31-07-2023
Date of F.I.R.	01-08-2023
Date of Charge-sheet	28-10-2023
Date of Framing of Charge	06.01.14 / 31-10-2023
Date of Commencement of evidence	06-12-2023
Date of which judgment is reserved	30-04-2026
Date of Judgment	04.05.26
Date of Sentencing Order, if any	N/A

Accused Details

Ra nk	Name of Accused	Date of Arrest/ Surrender	Date of Release on Bail	Offences Charged with	Whether Acquitted or Convicted	Sen tence Im posed	Period of Detenti on Underg one during Trial for purpose of section 428 of Cr.P.C.
01	Md. Khalil			U/s- 341, 323, 307, 504, 506/34 of the I.P.C.	Acquitted	N/ A	N/A
02	Md. Gaffar	10.10.23	10.10.23	Do	Do	N/ A	N/A
03	Md. Lallu @ Lal Md.,	10.10.23	10.10.23	Do	Do	N/ A	N/A

04	Md. Tippu	10.10.23	10.10.23	Do	Do	N/A	N/A
05	Nazia Khatoon,	10.10.23	10.10.23	Do	Do	N/A	N/A
06	Md. Babul	10.10.23	10.10.23	Do	Do	N/A	N/A
07	Budhiya @ Rikhasana Begum	10.10.23	10.10.23	Do	Do	N/A	N/A
08	Maimum Khatoon,	10.10.23	10.10.23	Do	Do	N/A	N/A
09	Md. Raja,	10.10.23	10.10.23	Do	Do	N/A	N/A
10	Moni Khatoon	10.10.23	10.10.23	Do	Do	N/A	N/A
11	Md. Sonu	10.10.23	10.10.23	Do	Do	N/A	N/A
12	Kausari Begaum,	10.10.23	10.10.23	Do	Do	N/A	N/A
13	Md. Raizwan	10.10.23	10.10.23	Do	Do	N/A	N/A
14	Md. Shakil	01.08.23	01.09.23	Do	Do	N/A	N/A
15	Md. Firoz	01.09.23	01.09.23	Do	Do	N/A	N/A

JUDGMENT

1. The accused persons namely Md. Khalil, Md. Gaffar, Md. Lallu @ Lal Md., Md. Tippu, Nazia Khatoon, Md. Babul, Budhiya @ Rikhasana Begum, Maimum Khatoon, Md. Raja, Moni Khatoon, Md. Sonu, Kausari Begaum, Md. Raizwan, Md. Shakil and Md. Firoz stand charged for the offences punishable u/s- 341, 323, 307, 504, 506,/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 informant to this case loaded a written report before S.H.O. semapur alleging that on date 31.07.2023 at about 11:00 O'clock on day he was sitting at his land situated at Mauza-Aminabad, khata no. 33 plot no. 157/171 area 03 decimals. Informant has further alleged that there is land

of Fustatti in the said land. For the purpose of fencing the said land he was putting the pillar by co-operation of the labours at that time accused namely Md. Khalil, Md. Gaffar, Md. Lallu @ Lal Md., Md. Tippu, Nazia Khatoon, Md. Babul, Budhiya @ Rikhasana Begum, Md. Sahkil, Maimum Khatoon, Md. Raja, Moni Khatoon, Md. Sonu, Kausari Begaum, Md. Firoz and Md. Raizwan by abusing and having laced with iron rod and sickle came and they started damage the the house of fustatti. On protest Md. Sahkil gave a blow of iron rod upon his head with view to take his life away due to which his head got injured and blood started oozing out. Khalil assaulted him by the means of lathi in his leg due to which his leg got fractured and Md. Raja assaulted him by the means of lathi due to which his hand got injured. Further aforesaid all accused persons assaulted him by the means of lathi and danda due to which he got unconscious and they also got the labours fled away by way of assaulting. Later on several people got assembled who save his life

INSTITUTION OF CASE/ INVESTIGATION/ ENQUIRY

3. On the basis of written report of informant namely Rukhasana Khatoon formal F.I.R. bearing Barari (Semapur) P.S. case No. 263/2023 F.I.R. U/S- 341, 323, 325, 307, 448, 427, 504, 506/34 of the I.P.C. was registered against the accused namely Md. Khalil, Md. Gaffar, Md. Lallu @ Lal Md., Md. Tippu, Nazia Khatoon, Md. Babul, Budhiya @ Rikhasana Begum, Md. Sahkil, Maimum Khatoon, Md. Raja, Moni Khatoon, Md. Sonu, Kausari Begaum, Md. Firoz and Md. Raizwan 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 Id. 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 Md. Khalil, Md. Gaffar, Md. Lallu @ Lal Md., Md. Tippu, Nazia Khatoon, Md. Babul, Budhiya @ Rikhasana Begum, Md. Sahkil, Maimum Khatoon, Md. Raja, Moni Khatoon, Md. Sonu, Kausari Begaum, Md. Firoz and Md. Raizwan and later case record 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 Md. Khalil, Md. Gaffar, Md. Lallu @ Lal Md., Md. Tippu, Nazia Khatoon, Md. Babul, Budhiya @ Rikhasana Begum, Maimum Khatoon, Md. Raja, Moni Khatoon, Md. Sonu, Kausari Begaum, Md. Raizwan, Md. Shakil and Md. Firoz 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, 506,/34 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 two (02) witnesses in the support of its case. they are:-

RANK	NAME	NATURE OF EVIDENCE
01	P.W-01- Md. Ishaq	Informant to this case
02	PW-02- Mukesh Rishi	Hostile witness

7. Prosecution side has not adduced any documentary evidence on the record in the support of its case.

STATEMENTS OF ACCUSED PERSONS

8. After conclusion of the prosecution evidence, the statement of the accused persons namely Md. Khalil, Md. Gaffar, Md. Lallu @ Lal Md., Md. Tippu, Nazia Khatoon, Md. Babul, Budhiya @ Rikhasana Begum, Maimum Khatoon, Md. Raja, Moni Khatoon, Md. Sonu, Kausari Begaum, Md. Raizwan, Md. Shakil and Md. Firoz 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 neither examined any witness nor adduced any documentary evidence in theirs defense.

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. Ishahaq has already compromised with all four accused persons namely Md. Khalil, Md. Gaffar, Md. Lallu @ Lal Md., Md. Tippu, Nazia Khatoon, Md. Babul, Budhiya @ Rikhasana Begum, Maimum Khatoon, Md. Raja, Moni Khatoon, Md. Sonu, Kausari Begaum, Md. Raizwan, Md. Shakil and Md. Firoz and his deposition P.W.-01 has clearly stated that he has compromised with all accused person and allegation as leveled u/s 341, 323, 504, 506, /34 of the I.P.C. against all 15 accused persons are compoundable in nature and joint compromise petition as well as permission petition are available on the record. So, having consideration the above facts permission petition is hereby allowed and compromise petition is hereby accepted. Accordingly on the basis of compromise aforesaid all 15 accused persons are hereby acquitted from the charges u/s 341, 323, 504, 506, /34 of the I.P.C. as leveled against them.

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 four 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 two witnesses, out of them P.W.-01 Md. Ishahaq who is informant and victim to this case has stated in his examination-in-chief that on 31st July, 2023, at approximately 11:00 A.M., he was installing pillars on his land when Md. Gaffar, Md. Khalil, Md. Lallu, Md. Tipu, Nazia Khatoon, Md. Babul, Budhiya, Raja, Moni Khatoon, Sonu, Kaushari Begum, Rizwan, Shakil, and Firoz came together and began damaging the roof of his house. When he protested, Shakil hit him with a rod due to which his head got cracked. Khalil hit him with a lathi, due to which his leg got fractured. Others also assaulted him with lathi. He was later treated at the government hospital in Kadhagola. P.W.-01 has further claimed to recognize to all accused persons of this case and has further recognized to the accused namely Md. Shakil, Md. Rizwan, Ruksana and Md. Firoz who were present before court

During the cross-examination by the defence P. W.-1 has deposed that he has compromised with all accused persons. He has given his thumb impression on the compromise petition. There was a huge crowd at the place of occurrence . He did not see who hit him and what object he used. He got injured due to falling. He does not want to give contest in this case. He has no objection if the case is dismissed. So from the oral testimony of the P.W.-01 it is evident that he did not see as to who assaulted him from which weapon. While P.W.-02 Mukesh Rishi has stated in his examination-in-chief that it has been a year and a half since this incident. It happened around 10:00-11:00 A.M. Sulekha Devi. Altercation took place in between Khalil Mian and Sulekha Devi on the point of land. He had not give statement to the police statement.

Later on on the request of the prosecution P.W.-02 was declared to be hostile and after that he was cross-examined by the prosecution but in his cross-examination P.W.-02 has denied the all suggestion given by the prosecution side and has further stated that it is not so that having gone into favour of the accused persons he has concealed the true facts and he is testifying falsely.

While during the cross-examination by the defence P. W.-02 has deposed that he has come to testify today voluntarily. Both parties have reached a settlement in this case and do not wish to pursue further litigation. The accused are from his village, so he recognizes them. So, from perusal of the testimonies of the P.W. 01 it is evident that P.W. 01 has clealry stated that he does not see as to who assaulted him. While P.W.-02 has turned to be hostile. So from the above facts it is evident that there is nothing on the record to show that accused persons committed allged assaulting with intention to cause murder to the informant namely Md. Ishahaq. So by taking in account above all facts of this case as well as oral 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

12. 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 Md. Khalil, Md. Gaffar, Md. Lallu @ Lal Md., Md. Tippu, Nazia Khatoon, Md. Babul, Budhiya @ Rikhasana Begum, Maimum Khatoon, Md. Raja, Moni Khatoon, Md. Sonu, Kausari Begaum, Md. Raizwan, Md.

Shakil and Md. Firoz. 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 Md. Khalil, Md. Gaffar, Md. Lallu @ Lal Md., Md. Tippu, Nazia Khatoon, Md. Babul, Budhiya @ Rikhasana Begum, Maimum Khatoon, Md. Raja, Moni Khatoon, Md. Sonu, Kausari Begaum, Md. Raizwan, Md. Shakil and Md. Firoz 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.

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

14. 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
04-05-26

(Asutosh Rai)
Addl. Sessions Judge II
Katihar
04-05-2026

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. Ishaque	Informant to this case
2	PW-02-Mukesh Rishi	Hostile to this case.

LIST OF PROSECUTION EXHIBITS

Sr. no	Exhibit No.	Description
1	N/A	N/A

LIST OF DEFENCE WITNESS

RANK	NAME	NATURE OF EVIDENCE
1	NA	Nil

LIST OF DEFENCE EXHIBITS

Sr. Number	Exhibit Number	Description
1	NA	Nil

(Asutosh Rai)
Addl. Sessions Judge-II
Katihar
04-05-26

<i>Date of which judgment is reserved</i>	<i>30-04-2026</i>
<i>Date of Judgment</i>	<i>04.05.26</i>
<i>Uploading Date</i>	<i>12.05.26</i>
<i>Uploaded By</i>	<i>Prakash Kumar Sigh</i>