

IN THE COURT OF ADDL. SESSIONS JUDGE-II, Katihar <i>Present:- Asutosh Rai, Addl. Sessions Judge, II, Katihar</i> <i>[Date of judgment- 25 March 2026]</i> <i>[S. Trial No. 485/24]</i> <i>Police-station-Azamnagar</i> <i>Azamnagar P.S. case No. 267/2020 F.I.R. U/S- 341, 323, 354, 306,/34 of the I.P.C. .</i>	
<i>Complainant/Informant</i>	<i>State of Bihar through informant namely Subhas Kumar Poddar , R/O-village-Azamnagar P.S.-Azamnagar, Distt.-Katihar</i>
<i>Represented By</i>	<i>Sri Md. Ezaj Alam Ld. A.P.P.</i>
<i>Accused</i>	<i>1. Sajan Poddar S/O Hopen Poddar, aged about 30 years</i> <i>2. Mohan Poddar D/O Hopen Poddar, aged about 24 years</i> <i>3. Veena Kumari D/O Hopen Poddar, aged about 26 years</i> <i>4. Rani Devi D/O Hopen Poddar, aged about 32 years</i> <i>5. Hopen Poddar S/O Late Chainu Poddar, aged about 70 years</i> <i>6. Kalpna Devi @ Kochiya Devi W/O Hopen Poddar, aged about 55 years R/O-village-Azamnagar P.S.-Azamnagar, Distt.-Katihar,</i>
<i>Represented By</i>	<i>For defense : Sri Mahanad Yadav, Id. Advocate</i>

<i>Date of Offence</i>	<i>22-10-2022</i>
<i>Date of F.I.R.</i>	<i>22-10-2022</i>
<i>Date of Charge-sheet</i>	<i>31-07-2022 /07-11-2022</i>
<i>Date of Framing of Charge</i>	<i>29-01-2025</i>
<i>Date of Commencement of evidence</i>	<i>11-07-2025</i>
<i>Date of which judgment is reserved</i>	<i>13-03-2016</i>

Date of Judgment	25-03-2026
Date of Sentencing Order, if any	N/A

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest/ Surrender	Date of Release on Bail	Offences Charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428 of Cr.P.C.
01	Sajan Poddar	24-03-2022	24-03-22	U/S-306, 323, 341, 354,/34 of the I.P.C.	Acquitted	N/A	N/A
02	Mohan Poddar	02-03-2021	02-03-21	DO	DO	DO	DO
03	Veena Kumari	02-03-2021	02-03-21	DO	DO	DO	DO
04	Rani Devi,	02-03-2021	02-03-21	DO	DO	DO	DO
05	Hopen Poddar	29-01-2021	26-02-24	DO	DO	DO	DO
06	Kalpna Devi @	02-03-2021	02-03-21	DO	DO	DO	DO

Kochiya Devi						
-----------------	--	--	--	--	--	--

JUDGMENT

1. The accused persons namely Sajan Poddar, Mohan Poddar, Veena Kumari, Rani Devi, Hopen Poddar and Kalpna Devi @ Kochiya Devi stand charged for the offences punishable U/S- 306, 323, 341, 354,/34 of the I.P.C as leveled against them.

CASE OF PROSECUTION/BRIEF FACTS:

2. As per written report of informant namely Subhas Kumar Poddar prosecution case in nutshell is that aforesaid informant alleged in his written report that there is incident of on dt. 22-10-2020 at about 3:30 O'clock. On that very time accused namely Sajan Poddar, Mohan Poddar, Veena Kumari, Rani Devi, Hopen Poddar and Kochiya Devi all came at the door of his house and having seen to the his wife Archana Devi to be alone they caught hold her and by getting her half-nude they bruttley assaulted her. Informant has further alleged that from two years ago Sajan Poddar and his family members subjected her wife for mental torture by saying her to be barren/Banjh. They used to say that after looking at her face, no task ever succeeds." The Informant has further stated that even after ten years of his marriage, he had no children, due to which accused persons used to constantly taunt her by calling her barren. Fed up with all these things, his wife Archana Devi poured kerosene oil on her body and set herself on fire. Then, with the help of the neighbors, Archana Devi was taken to the P.H.C but during the course of treatment, Archana Devi passed away.

INSTITUTION OF CASE/ INVESTIGATION/ INQUIRY

3. On the basis of written report of informant namely formal F.I.R. bearing Azamnagar P.S. case No. 267/2020 U/S- 341, 323, 354, 306,/34 of the I.P.C. was instituted against the accused namely Sajan Poddar, Mohan Poddar, Veena Kumari, Rani Devi, Hopen Poddar and Kochiya Devi and after investigation I.O of this case submitted charge sheet bearing no. 168/2022 u/s- 341, 323, 354, 306,/34 of the I.P.C. against accused namely Sajan Poddar, Mohan Poddar, Veena Kumari, Rani Devi, Hopen Poddar and Kochiya Devi.

4. On receipt of supplementary charge-sheet *Ld..C.J.M.*, Katihar took cognizance of the offence u/s- 306, 323, 341, 354,/34 of the I.P.C. against the accused namely *Sajan Poddar, Mohan Poddar, Veena Kumari, Rani Devi, Hopen Poddar and Kochiya Devi* and having seen that the section 306 of the I.P.C. as leveled against the aforesaid accused persons is exclusively triable by the court of sessions, *Ld. C.J.M.-* Katihar supplied the Xerox copy of police papers as per requirement of section 207 of the Cr.P.C. to the *ld. advocate of aforesaid accused persons* and *ld. court* committed the case record to the court of Sessions for further trial. Later on, as per order of the District and Sessions Judge, Katihar case record came to the file of this court for further trial and disposal.

CHARGES AGAINST ACCUSED PERSONS

5. Later on, after completion of the appearance of the aforesaid accused persons namely *Sajan Poddar, Mohan Poddar, Veena Kumari, Rani Devi, Hopen Poddar and Kalpna Devi @ Kochiya Devi* 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 both accused persons*, my *ld. Predecessor court* framed the charges u/s- 306, 323, 341, 354,/34 of the I.P.C. in written against the aforesaid aforesaid 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 (04) witness in the support of its case. They are:-

Sr. no.	Pws. Number	Description
01	PW-01-Subhas Kumar Poddar	Informant to this case
02	PW-02-Sudam Poddar	Hostile witness
03	PW-03-Ratan Poddar	Hostile witness
04	PW-04-Prakash Kumar Poddar	Hostile witness

7. Prosecution side has also adduce following documentary evidences on the record in the support of its case:-

Sr. Number	Exhibit Number	Description
01	Ext.-PW1/P1	Singnature of the informant namely Subhas Kumar Poddar over written report
02	Ext.-PW1/P2	Singnature of the Praksh Poddar over written report
	Ext.-PW1/P1	Singnature of the Ram Kishore Poddar over written report

STATEMENT OF ACCUSED PERSON

8. After conclusion of the prosecution evidence, the statement of the accused person namely Sajan Poddar, Mohan Poddar, Veena Kumari, Rani Devi, Hopen Poddar and Kalpna Devi @ Kochiya Devi were recorded under section 313 of the Cr.P.C. and all incriminating facts 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. While accused persons neither examined any witnesses nor adduced any documentary evidence on record in theirs defense.

9. 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

10. From perusal of the record it is evident that in order to substantiate its case prosecution has relied on oral as well as on documentary evidences and prosecution has examined altogether 04 witnesses in the support of its case, out of them P. W.-01 Shubhash Kumar Poddar has stated in his examination-in-chief that he is the informant of this case. This incident occurred four or five years ago, around 4:00 or 5:00 P.M.

He was at his shop at the time. On the day of the incident, a man from the locality came and said, "Your wife, Archana Devi, has been burnt." He went home and found his wife burnt. He picked her up and took her to Azamnagar Hospital, where she died 1:00 or 2:00 hours later. P. W.-01 has further stated that his wife set herself on fire. According to the villagers, his wife set herself on fire. P. W.-01 has further proved his signature on written report and accordingly same was marked as Ext.-PW1/P1. P.W. 01 has further proved the signature of Prakash Poddar and Ram Kishore Poddar on written report and accordingly same were marked as Ext. P.W.1/P2. And Ext.PW1/P3. P. W.-01 has further recognized to the accused namely Sajan Poddar, Hopen Poddar, Veena Kumari, Rani Kumari, Kalpna Kumari @ Kochia Devi and Mohan Poddar who were present before the court.

During the cross-examination P.W.-01 has stated that his wife was unhappy because she had no children, and as a result of that grief, she set herself on fire. The application was not read to him. He does not know what was written in it. There was a previous dispute with the accused, so on the basis of suspicion he gave the name of accused person in this case. P. W.-01 has further stated that he has already compromised with all accused person and he has further proved his signature on compromise petition and accordingly same was marked as Ext.-PW1/PA.

11. P.W.-02 Sudama Poddar has stated in his examination-in-chief that he doesn't know when this incident occurred. He doesn't know anything about this incident. He did not give a statement to the police. It would be pertinent to mention here that on the request of the Id. A.P.P. said witness was declared to be hostile and after that prosecution cross-examined to the aforesaid witness but in his cross-examination done by prosecution side, P.W.-02 has stated that it is not true that he had stated before the I.O. to this case that the informant, Sajan Poddar, used to call Archana to be barren and one day before i.e. on 21-10-2020, Sajan Poddar, his parents and family members went to Archana Devi's doorstep, grabbed her by the hair and kicked her and a panchayat was held at Pankaj Poddar's door regarding this very issue and during the panchayat, Sajan

claimed that Archana Devi had broken his mobile phone due to which assaulting was done by the family members and in the course of Panchayati Archana Devi returned home and after that incident got occurred and her body caught fire and suffered burns and he took Archana Devi to the Primary Health Center in Azamnagar for treatment, but she died during treatment. P.W.-02 has further recognized the accused, Hopen Poddar, who was present before court and has further claimed to identify other accused person. P.W.-02 has further stated that it is not the case that he is concealing the reality of the incident and giving false testimony by colluding with the accused.

During the cross-examination by the defence side P.W.-02 has stated that he is making this statement today voluntarily.

12. P.W.-03 Ratan Poddar has stated in his examination-in-chief that he does not know how long has passed since this incident occurred. He does not know anything about the incident. He did not give a statement to the police. It would be pertinent to mention here that on the request of the Id. A.P.P. said witness was declared to be hostile and after that prosecution cross-examined to the aforesaid witness but in his cross-examination done by prosecution side, P.W.-03 has stated that it is not true that he did not give a statement before the investigator that his neighbor Subhash Poddar was married to the deceased Archana Poddar 10 years ago, they could not have children, so the accused used to harass her by calling her barren and used to beat her on the day of the incident, due to which she became sad and poured kerosene oil and set herself on fire, due to which she got badly burnt and later died. P.W.-03 has further stated that it is not the case that he is concealing the truth of the incident by colluding with the accused.

During the cross-examination by the defence side P.W.-03 has stated that he is giving this statement voluntarily. The accused are his villagers, that's why he recognizes them.

13. P.W.-04 Prakash Kumar Poddar has stated in his examination-in-chief that informant in this case namely Subhash Poddar is his brother.

He knows nothing about this incident; He always stay at his shop. He did not give a statement to the police.

It would be pertinent to mention here that on the request of the Id. A.P.P. said witness was declared to be hostile and after that prosecution cross-examined to the aforesaid witness but in his cross-examination done by prosecution side, P.W.-04 has stated that it is not true that he had given a statement before the I.O. to this case that on 22.10.20 at about 03:00, he was at his home, at the same time his sister-in-law Archana Devi, fed up with the torture of Sajan Poddar, poured kerosene on her body and set herself on fire due to which her entire body got burnt and she died, the deceased Archana Devi did not have any children, Sajan Poddar always used to speak nonsense, due to the torture his sister-in-law finally ended her life, had he not tortured her, she would not have died. P.W.-04 has further stated taht it is not the case that having gone into the favour of accused persons he conceals the reality of the incident.

During the cross-examination by the defence side P.W.-04 has stated that he is making this statement voluntarily. He recognizes the accused because they are his villager.

14. While in his statement recorded u/s 313 of the Cr.P.C. accused persons to this case have denied the veracity of the prosecution case and have claimed to be innocent. But accused persons have neither examined any witness nor adduced any documentary evidence in theirs defense.

15. While at the time of final argument Id. A.P.P. for the state has fairly submitted that from perusal of the entire case record in entirety it is evident that prosecution case is true but due to compromise prosecution witnesses including informant to this case have given the good by to to the prosecution case.

16. While Id. counsel for the defense has argued before this court that from perusal of the oral evidences of the P.W.-01 Subhas Kumar Poddar it is evident that he has clearly deposed before this court that a man

from the locality came and said, "Your wife, Archana Devi, has been burnt." He went home and found his wife burnt. So it is evident that he is not the eye witness of this case. Furthermore he has not leveled any allegation against the accused persons. Further in his cross-examination P.W.-01 has clearly stated that his wife was unhappy because she had no children, and as a result of that grief, she set herself on fire. The application was not read to him. He does not know what was written in it. There was a previous dispute with the accused, so on the basis of suspicion he gave the name of accused person in this case. So, it is evident that P.W.-01 has even not fully supported the written report and has further made clear that only on the basis of suspicion he gave the name of accused persons in this case. While other prosecution witnesses have not supported the case of prosecution and they have turned to be hostile. Moreover there is nothing on record to show that soon before her death deceased was subjected to physical or mental torture and thereby she was abated to commit suicide by pouring the Kerosine oil and setting fire on her body. Further there So from above facts it is evident that prosecution has miserably failed to prove the charges u/s 306, 323, 341, 354,34 of the I.P.C as leveled against accused namely Sajjan Poddar, Mohan Poddar, Veena Kumari, Rani Devi, Hopen Poddar and Kalpna Devi @ Kochiya Devi. So, Sajjan Poddar, Mohan Poddar, Veena Kumari, Rani Devi, Hopen Poddar and Kalpna Devi @ Kochiya Devi may be acquitted from the charges 306, 323, 341, 354,34 of the I.P.C as leveled against them.

17. Now, the question before this court as to whether prosecution has succeeded to prove the charge u/s 306, 323, 341, 354,34 of the I.P.C as leveled against the accused namely Sajjan Poddar, Mohan Poddar, Veena Kumari, Rani Devi, Hopen Poddar and Kalpna Devi @ Kochiya Devi. While from perusal of the case record it is evident that P.W.-01 Subhash Kumar Poddar, who is non else but the informant of this case has clearly deposed before court that on the day of the incident, a man from the locality came and informed him that his wife Archana Devi had been burnt. He went home, found her burnt, and took her to the hospital where

she died. He has further stated that his wife set herself on fire because she was unhappy about not having any children. Further, in his cross-examination, P.W.-01 has clearly stated that the written report was not read to him, he does not know what was written in it, and he gave the names of the accused persons only on the basis of suspicion. So it is evident that P.W.-01 has not supported the prosecution case at all, and his testimony makes it clear that the deceased died by her own act out of grief, not because of any torture by the accused persons. Further P.W.-02 to P.W.-04 have not supported the case of prosecution and they have turned to be hostile. Though they were subjected to the cross-examination by the prosecution side but from their cross-examination nothing material could be elicited which may support the prosecution case. Since from record it is evident that P.W.-02 to P.W.-04 have turned hostile, and the informant himself has clearly deposed that his wife died by suicide due to grief because she was not having any child. Moreover, there is no trustworthy evidence on record to show that the deceased was subjected to any cruelty or harassment soon before her death, or that the accused abetted her to commit suicide or accused persons assaulted her or committed wrongful restraint or outraged modesty of late Archan Devi. So, from the oral testimonies of the prosecution witnesses as well as from the discussion as made above it is quite clear that the prosecution has not succeeded to prove the charge u/s 306, 323, 341, 354/34 of the I.P.C. as leveled against the accused namely Sajan Poddar, Mohan Poddar, Veena Kumari, Rani Devi, Hopen Poddar and Kalpna Devi @ Kochiya Devi.

18. So, having considered the above facts and circumstances of this case as well as contentions raised by Id. Counsel for the defence, I find and hold that prosecution has miserably failed to prove the charges u/s- 306, 323, 341, 354/34 of the I.P.C. as leveled against aforesaid accused person namely Sajan Poddar, Mohan Poddar, Veena Kumari, Rani Devi, Hopen Poddar and Kalpna Devi @ Kochiya Devi. Hence, it is found and hold that aforesaid all accused persons are not guilty for the commission of the offence punishable u/s 306, 323, 341, 354/34 of the I.P.C..

Accordingly they are acquitted from the charges u/s 306, 323, 341, 354, 34 of the I.P.C as leveled against them. Since aforesaid accused persons are on bail, so aforesaid accused persons and theirs bailors are hereby absolved from the liabilities of the respective bail bonds.

18. Compensation:- Now the question arises before this court as to whether family members or the legal heirs of deceased to this case namely Archana Devi are entitled for compensation or not? Now coming on this question, first of all, court finds that neither on behalf of prosecution nor on behalf of informant or any legal heirs of late Archana Devi has claimed for compensation. Though from perusal of the case record it is evident that Archana Devi faced unnatural death. While from perusal of the case record it is evident that P.W.-01 Subhas Kumar who is the husband of the deceased has not supported the case of prosecution and other witnesses of the prosecution has also not supported the case of prosecution. So, having consideration the above facts and circumstances of this present case and by taking the entire circumstances of this case in its entirety as discussed above this court is of this considered opinion that there is no need to award compensation in this instant case to anybody.

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

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

25-03-2026

(Asutosh Rai)

Addl. Sessions Judge II

Katihar

25-03-2026

IN THE COURT OF ADDL. SESSIONS JUDGE-II KATIHAR

Sessions Trial Case No.-485/2024

LIST OF PROSECUTION WITNESSES:-

Sr. no.	Pws. Number	Description
01	PW-01-Subhas Kumar Poddar	Informant to this case
02	PW-02-Sudam Poddar	Hostile witness
03	PW-03-Ratan Poddar	Hostile witness
04	PW-04-Prakash Kumar Poddar	Hostile witness

LIST OF PROSECUTION DOCUMENTARY EVIDENCES

Sr. Number	Exhibit Number	Description
01	Ext.-PW1/P1	Singnature of the informant namely Subhas Kumar Poddar over written report
02	Ext.-PW1/P2	Singnature of the Praksh Poddar over written report
	Ext.-PW1/P1	Singnature of the Ram Kishore Poddar over written report

LIST OF DEFENCE EXHIBITS

Sr. Number	Exhibit Number	Description
1	PW1/PA	Signature of P.W.-01 on the compromise petition.

(Asutosh Rai)
Addl. Sessions Judge-II
Katihar
25-03-2026

<i>Date of Judgment</i>	25-03-2026
<i>Date of Uploading</i>	07-04-2026
<i>Uploaded By</i>	Harshit Raj, Stenographer