

Sessions Trial No. 03/2022

STATE OF BIHAR VS. DILIP KUMAR PODDAR & OTHERS

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- 02.07.2026]

[Sessions Trial No. 03/2022]

(Sessions Trial No. 324/2024)

CIS NO. 03/2022

(Arising out of Muffassil P.S. Case No. 81/19)

U/S 302/34, 302/120B of IPC

PROSECUTION	State of Bihar Through: Dilip Poddar – Informant
REPRESENTED BY	Ld. A.P.P. Shri P.N. Singh
ACCUSED	1. Dilip Poddar, aged about 43 years, S/O- Vishwanath Poddar ... (A-1) 2. Vishwanath Poddar, aged about 68 years, S/O- Tinkondi... (A-2) 3. Radha Devi, aged about 32 years, W/O Arun Kumar Poddar..... (A-3) 4. Lalita Devi @ Jhampi Devi, aged about 41 years, W/O Ajay Kumar Poddar..... (A-4) 5. Fulo Devi, aged about 40 years, W/O Ram Chandra Poddar.... (A-5) 6. Sharmila Devi, aged about 65 years, W/O Vishwanath Poddar..... (A-6) 7. Bhama Devi, aged about 52 years, W/O Kashinath Poddar.... (A-7) All R/O Vill–Sharanpur, P.S.–Tarabari, Dist–Araria, Bihar.
REPRESENTED BY	Ld. Adv. Shri Manmohan Sharan

FORM B

Date of Offence	04.06.2017
Date of FIR	24.03.2019
Date of Charge-sheet	07.11.2021 and 22.02.2023
Date of Cognizance	15.11.2021 and 01.04.2023
Date of Framing of Charges	05.08.2022 and 04.07.2024
Date of commencement of prosecution evidence	02.08.2024
Prosecution evidence closed	20.01.2026
Date of recording Statement U/Sec 313 of Cr.P.C.	23.02.2026

Sessions Trial No. 03/2022

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Date of commencement of defense evidence	N.A.
Defense evidence closed	18.03.2026
Date on which judgment is reserved	19.06.2026
Date on which Judgment is Pronounced	02.07.2026
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 De-tention Under-gone during Trial for purpose of section 428 Cr.P.C
1.	Dilip Poddar	12.08.21	31.03.22	302/34, 302/120B of IPC	Acquitted	N.A.	N.A.
2.	Vishwanath Poddar	12.08.21	15.02.22	302/34, 302/120B of IPC	Acquitted	N.A.	N.A.
3.	Radha Devi	22.07.22	22.07.22	302/34, 302/120B of IPC	Acquitted	N.A.	N.A.
4.	Lalita Devi @ Jhampi Devi	22.07.22	22.07.22	302/34, 302/120B of IPC	Acquitted	N.A.	N.A.
5.	Fulo Devi	22.07.22	22.07.22	302/34, 302/120B of IPC	Acquitted	N.A.	N.A.
6.	Sharmila Devi	12.08.21	15.02.22	302/34, 302/120B of IPC	Acquitted	N.A.	N.A.
7.	Bhama Devi	22.07.22	22.07.22	302/34, 302/120B of IPC	Acquitted	N.A.	N.A.

JUDGMENT

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02.07.26

1. The above named accused persons namely (1) Dilip Poddar, (2) Vishwanath Poddar, (3) Radha Devi, (4) Lalita Devi @ Jhampi Devi, (5) Fulo Devi, (6) Sharmila Devi and (7) Bhama Devi are charged for the commission of the offences punishable under Sections 302/34, 302/120B of IPC and they are facing trial for the said offences.

FACTUAL BACKGROUND

2. The case of the prosecution as per written complaint in brief is that the complainant's daughter, Soni Devi, was married to the accused, Dilip Poddar, in the year 2004 according to Hindu rites and customs. After the marriage, she was allegedly subjected to continuous cruelty, physical assault, and harassment by her husband and in-laws on account of non-fulfilment of their demand for ₹5,00,000 as dowry and because she had not given birth to a male child. She was also threatened that her husband would contract a second marriage. It is further alleged that on 03.05.2017, the accused persons confined Soni Devi inside the house, poured kerosene oil on her, and set her on fire. On hearing her cries, local villagers rescued her and she was taken first to Purnea for treatment and thereafter referred to Katihar Medical College Hospital due to her critical condition. The complainant received telephonic information about the incident and reached the hospital,

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where he found his daughter with about 90% burn injuries. Despite treatment, she succumbed to her injuries on 04.05.2017 at about 8:20 p.m. Hence, the present case.

3. On the basis of the fardbayan of the informant, Muffassil P.S. Case No. 81/19 dated 24.03.2019 was instituted against the above named accused persons for the offences punishable U/S 498, 304(B), 120(B) of the I.P.C. and upon completion of investigation, the charge-sheet bearing No. 236/2021 dated 07.11.2021 was submitted on 08.11.2021 against three(03) accused persons namely Dilip Kumar Poddar, Vishwanath Poddar and Sharmila Devi. Subsequently, cognizance of the offences punishable U/S 326, 302, 120B r/w 34 of the I.P.C. was taken on 15.11.2021 by the court of Ld. J.M.F.C, Katihar against the above named accused persons. Supplementary charge-sheet bearing no. 60/2023 dated 22.02.23 has been submitted on 13.03.2023 under Section 302, 201, 120(B)/34 of IPC against four accused persons namely Bhama Devi, Phula Devi, Lalita Devi and Radha Devi and Court also directed to proceed against them on the basis of the material available in the case diary.

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.F.C., Katihar, committed the case record to the Court of Sessions, Katihar on **20.12.2021** and accordingly, Sessions Trial Case No. 03/2022 was instituted. Further, after completion of the appearance in the supplementary case record, the supplementary case record was also committed to the Court of Session on 25.06.2024 and it was registered Session Case No. 324/24. 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 302/34, 302/120B of IPC against the three accused persons namely Dilip Kumar Poddar, Vishwanath Poddar and Sharmila Devi and the same were read over and explained to them in Hindi on 05.08.2022 to which they pleaded not guilty and claimed trial. Further, charge has been framed in the supplementary case record against four accused persons namely Bhama Devi, Phulo Devi, Lalita Devi and Radha Devi under Section 302/34 and 120(B) of IPC on 04.07.24 to which the accused persons did not plead guilty and claimed for trial. Further, in due course of proceeding of the case, supplementary case record i.e. Session Trial Case No. 324/24 has been amalgamated with the original Session Trial Case No. 03/2022 vide order dated 02.08.24. Accordingly, the case was fixed for prosecution evidence.

6. To substantiate its case, the prosecution has examined altogether seven (07) witnesses. The brief description, serial number, name of witnesses etc. are being produced here for easy reference. The prosecution has produced following evidence:-

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A) ORAL EVIDENCE

Sl. No.	Name	Type	Date of examination
PW-1	Jaiprakash Sah @ Jaiprakash Singh	Hostile Witness	20.09.2024
PW-2	Santosh Kumar Yadav	Hostile Witness	27.09.2024
PW-3	Indranana Yadav @ Indrashan Yadav	Hostile Witness	18.10.2024
PW-4	Dilip Poddar	Informant	11.12.2024

B) DOCUMENTARY EVIDENCE

Sl. No.	Description of Document	Date of Admission	With or Without Objection
P-1/PW-4	Signature of complainant on complaint petition	11.12.2024	Without Objection

7. Thereafter, no other witnesses were examined by the prosecution and prosecution evidence was closed on 20.01.2026. The statements of the above named accused persons were recorded on 23.02.2026, 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 18.03.2026, 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 Jaiprakash Sah @ Jaiprakash Singh** has stated in his examination-in-chief that he has no knowledge regarding the occurrence and his statement was not recorded by the police. On the request of prosecution, the witness has been declared hostile.

(ii) **PW-2 Santosh Kumar Yadav** stated in his examination-in-chief that he has no knowledge regarding the occurrence and his statement was not recorded by the police. On the request of prosecution, the witness has been declared hostile.

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(iii) **PW-3 Indranana Yadav @ Indrashan Yadav** stated in his examination-in-chief that he has no knowledge regarding the occurrence and his statement was not recorded by the police. On the request of prosecution, the witness has been declared hostile.

(iv) **PW-4 Dilip Poddar** is the complainant of this case and the witness deposed that the occurrence had taken place about eight years ago. His daughter was married to Dilip Kumar, a resident of Saranpur, Araria. After marriage, she went to her matrimonial home and was living there happily. She had five children, namely four daughters and one son. In the year 2017, he suddenly received a telephone call informing him that his daughter was being brought to Katihar Medical College in a serious condition. On reaching the Medical College, he found that his daughter had sustained extensive burn injuries. Upon being asked about the cause of the burns, she told him that she had been burnt by a kerosene lamp (dibiya). She was undergoing treatment at the Medical College but died within 24 hours. No post-mortem examination was conducted on her dead body. Thereafter, her cremation was performed at her husband's place, and he was also present during the cremation. He further stated that due to a misunderstanding, he instituted the present case after about three years of the occurrence. He filed the case through a complaint petition, and the signatures appearing on every page of the complaint petition are his, which he identified. The complaint petition was marked as Exhibit P-1/PW-4 and was subsequently converted into an FIR. He further stated that his statement was recorded by the police. He identified his son-in-law present in Court and stated that he could also identify the other accused persons if shown to him.

During cross-examination he further stated that the accused Dilip Poddar, his son-in-law, continues to visit his house regularly and they share cordial relations. The deceased, Soni Devi, also had a good relationship with her husband. He further states that he has good relations with all the accused persons and that neither any dowry was ever demanded nor was his daughter subjected to cruelty or harassment on account of dowry. He has amicably settled the dispute with the accused and does not wish to pursue the present case. He further states that he was present with his daughter during her treatment at Katihar Medical College Hospital. According to him, the complaint was filed under a misunderstanding, and the contents of the complaint petition were neither read over nor explained to him before obtaining his signature, as he is illiterate and only knows how to sign his name. He further states that his daughter was neither set on fire nor assaulted by any of the accused persons. He reiterates that he maintains cordial relations with all the accused and that he has deposed before the Court voluntarily, without any fear, threat, or coercion.

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ARGUMENT OF RIVAL CONTENDERS

11. BY PROSECUTION: -

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: -

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 and have turned hostile. 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 levelled 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.

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 reliable, 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 favour 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 four (04) prosecution witnesses have been examined in this case. Although, the complainant's daughter, Soni Devi, was married to the accused, Dilip Poddar, in the year 2004 according to Hindu rites and customs. After the marriage, she was allegedly subjected to continuous cruelty, physical assault, and harassment by her husband and in-laws on account of non-fulfilment of their demand for ₹5,00,000 as dowry and because she had not given birth to a male child. She was also

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threatened that her husband would contract a second marriage. It is further alleged that on 03.05.2017, the accused persons confined Soni Devi inside the house, poured kerosene oil on her, and set her on fire. The prosecution case is founded on the allegation that the deceased, Soni Devi, was subjected to cruelty and harassment by her husband and in-laws on account of demand of dowry and for not giving birth to a male child, and that on 03.05.2017 the accused persons poured kerosene oil upon her and set her ablaze, resulting in her death on 04.05.2017. However, the evidence led by the prosecution does not support the allegations made in the complaint. PW-1 Jaiprakash Sah @ Jaiprakash Singh, PW-2 Santosh Kumar Yadav and PW-3 Indranana Yadav @ Indrashan Yadav have categorically stated that they have no knowledge regarding the occurrence. They further denied that their statements were recorded by the police. Since they did not support the prosecution case, they were declared hostile. Nothing material could be elicited from their evidence to corroborate the prosecution version. The complainant, examined as PW-4, has also completely resiled from the allegations made in the complaint petition. He has deposed that after receiving telephonic information, he reached Katihar Medical College Hospital and found his daughter with burn injuries. Significantly, he stated that upon enquiry, the deceased herself disclosed that she had sustained burn injuries due to a kerosene lamp (dibiya). He further stated that she died during treatment within twenty-four hours and that no post-mortem examination was conducted. PW-4 has further deposed that his daughter was living happily with her husband, that they had five children, namely four daughters and one son, and that the relations between the deceased and her husband were cordial. He categorically denied that any demand for dowry was ever made or that his daughter was subjected to cruelty or harassment by the accused persons. He further stated that the complaint petition had been filed under a misunderstanding, that being illiterate he merely signed the complaint without its contents being read over or explained to him, and that the allegations contained therein were incorrect. He also deposed that the accused persons never assaulted or set his daughter on fire and that he has cordial relations with all the accused persons, including his son-in-law, who continues to visit his house regularly. The testimony of PW-4, being the complainant and father of the deceased, completely demolishes the substratum of the prosecution case. In the present case there is no other independent or corroborative evidence to establish the allegations contained in the complaint. Thus, the prosecution has failed to prove the essential ingredients of cruelty for dowry or homicidal death attributable to the accused persons. Accordingly, this Court holds that the prosecution has failed to prove the charges against the accused persons beyond reasonable doubt. The accused are therefore entitled to the benefit of doubt and deserve to be acquitted of all the charges framed against them.

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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

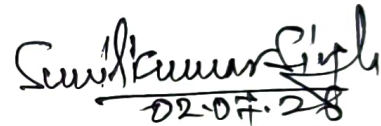
19. On the basis of discussions made above and keeping in mind the entire prosecution evidence, I find and hold that the prosecution has not been able to prove the charges levelled under Sections 302/34, 302/120B of IPC against the accused persons namely (1) Dilip Poddar, (2) Vishwanath Poddar, (3) Radha Devi, (4) Lalita Devi @ Jhampi Devi, (5) Fulo Devi, (6) Sharmila Devi and (7) Bhama Devi beyond the shadow of reasonable doubts. Hereinafter, order is passed.

ORDERED

20. Therefore, the accused persons namely (1) Dilip Poddar, (2) Vishwanath Poddar, (3) Radha Devi, (4) Lalita Devi @ Jhampi Devi, (5) Fulo Devi, (6) Sharmila Devi and (7) Bhama Devi are hereby acquitted from the charges of the offences punishable under Sections 302/34, 302/120B of IPC. Accused persons are on bail, as such, they and their sureties are discharged from the liabilities of their 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 02nd day of July, 2026


02.07.26

(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 02.07.2026.


02.07.26

(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	Jaiprakash Sah @ Jaiprakash Singh	Hostile Witness	20.09.2024
PW-2	Santosh Kumar Yadav	Hostile Witness	27.09.2024
PW-3	Indranana Yadav @ Indrashan Yadav	Hostile Witness	18.10.2024
PW-4	Dilip Poddar	Informant	11.12.2024

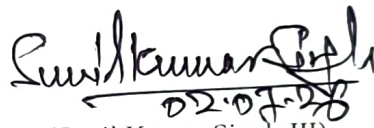
B) DOCUMENTARY EVIDENCE

Sl. No.	Description of Document	Date of Admission	With or Without Objection
P-1/PW-4	Signature of complainant on complaint petition	11.12.2024	Without Objection

EVIDENCE ON BEHALF OF DEFENCE

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

Dated: The 02nd day of July, 2026


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

Date of Judgment/ Order	02.07.2026
Date of Reserving Judgment/ Order	19.06.2026
Uploading Date	
Uploaded by	