

**IN THE COURT OF ADDL. SESSIONS JUDGE- I, JHANJIHARPUR,
MADHUBANI, BIHAR**

SESSIONS TRIAL NO. 162/2025

Arising out of Lalmaniya P.S. Case No. 43/2024, dated 30.06.2024.
U/S:- 341,323 302,504/34 of the I.P.C.

State through (Samina Khatoon , W/O Md.Mustakim, R/O Vill-
Dubarbona, P.S. Lalmaniya, Distt.- Madhubani.....
Informant)

----- **Prosecution**

vs.

- 1.Makeena Khatoon, W/O Md. Ramzani @ Sinnur, Aged about 46 years.
2. Md. Azad ,S/O Md. Ramzani @ Sinnur, Aged about 22 years.

All R/O Village Duburbona, P.S.- Lalmaniya, District-Madhubani.

----- **Accused Persons**

Charges u/s-341, 323, 302, 504/34 of the I.P.C.

Date of offence- 20.06.2024

Date of F.I.R- 30.06.2024

Date of chargesheet- 12.08.2025.

Date of Cognizance:- 26.08.2025

Date of Charge- 18.12.2025

Case committed to the Court of Sessions:- 08.09.2025

Date of Statement u/s sec 313 CrPc.- 18.04.2026

Date of Judgment- 12.05.2026

For the prosecution: Shri Indrakant Prasad, Ld.A.P.P

For the defence:- Shri Anand Kumar Jha , Ld. Advocate.

Jhanjharpur, Dated 12th day of May, 2026

Present:- Sushil Kumar Dixit
Addl. Sessions Judge-I,
Jhanjharpur

J U D G M E N T

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1. The above named accused persons stands charge for the offence punishable under Sections 341, 323, 302, 504/34 of the I.P.C. The charges has been read over and explained to the above accused persons in hindi to which they pleaded not guilty and claimed to be tried.
2. The case of the prosecution as per FIR in brief is that the informant of this instant case has given her fardbayan before police officer of Phulwarisharif PS. at Patna on dated 23.06.2024 at about 12:16 PM at camp of AIIMS, Patna stating interalia that her neighbour stands their four wheeler at the front side of her home and they were abusing, when I opposed then accused namely, Md. Azad, Makina Khatoon, Md. Ramzani @ Sinnur, Hussain Mistri and Tanveer Alam came there with lathi, danda etc. and started assaulting, when her daughter namely, Gulabshah Khatoon came to rescue, then one Md. Azad assaulted her by means of lathi with intention to kill, resulted she fell down on the ground and became unconscious. When the neighbours started coming, accused persons fled away. It is further alleged that such occurrence took place on dated 20.06.2024 at about 07:30 PM in the evening. Further the injured daughter of the informant was brought to PHC Khutauna and further referred to DMCH and further she was brought to AIIMS, Patna trauma center but in course of treatment she died on dated 23.06.2024 at 3 AM.
3. On the basis of fardbayan given by the informant Lalmaniya PS Case No. 43/24 dated 30.06.2024 was registered under Section 302/34 of the IPC against accused petitioner named above and others and after due investigation chargesheet has been submitted against above named accused person vide chargesheet No. 59/25 dated 12.08.2025 under Sections 341, 323, 302, 504/34 of the IPC and after commitment charge is framed against accused persons named above and trial proceeded.

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4. After prosecution evidence, the statement of the accused persons recorded under Section 313 of the Cr.PC./351 of the BNSS in which the accused persons denied the allegations leveled against them, claiming innocent.
5. On behalf of the defence no any oral and documentary evidence has been adduced. The innocence and denial of committing offence is only the defence plea, also heard arguments at length on behalf of both the sides.
6. Now the main point for determination arises whether the prosecution has been able to prove the charges leveled against the accused persons beyond the shadow of all reasonable doubt?

FINDINGS

7. In this instant case, the prosecution has examined altogether 5 witnesses namely:-

PW No.1 Samina Khatoon (The informant herself),

PW No.2 Khajida Khatoon (Villager),

PW No.3 Rajima Khatoon (Villager)

PW No.4 Chinmay Kumar (IO), and

PW No.5 Dr. Auoprajna Pal (Medical Officer)

who have been examined and cross examined in this instant case by the defense, in spite of that, as far as the documentary evidence is concerned, chargesheet No. 59/2025 dated 12.08.2025 is marked as P-

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1 and the postmortem report is marked as exhibit No. P-2 save and except both the exhibit, no any documentary evidence is produced in support of the prosecution case.

As far as the oral and documentary evidence on behalf of defense is concerned, no any oral or documentary evidence has been adduced on behalf of the defense.

8. **Witness No – 01,** Now at first, I am taking the evidence of PW No.1 who is the informant of this case and she happens the mother of the deceased. She has been produced for evidence on behalf of the prosecution and on oath she has stated in her examination in chief in para No.1 that she has lodged this case against accused persons named above and others. It is further stated that occurrence took place on one and half years ago at about 7 PM, she was at her home with her daughter and son and there was a quarrel in between her jethani Fareeda Khatoon and (accused) Makina Khatoon. When her daughter victim went out from home to see the quarrel, accused persons assaulted her, resulted she became injured and in course of treatment in Patna she died.

In cross examination the said witness who is the informant and mother of the deceased has stated in para No. 4 of cross examination that she was at home when occurrence took place and in further para she has specifically stated that she has not seen the occurrence alleged and in para No.8 of the cross examination she has also stated that she has given fardbayan on the basis of heresay evidence. Therefore, from perusal of the entire evidence of the informant who is the most important witness in this case has not seen the occurrence alleged and her fardbayan is based on heresay evidence which is admitted by the informant herself.

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9. **Witness No – 02,** Now as far as the evidence adduced on behalf of prosecution witness No.2 is concerned she also not supported the case of the prosecution and has specifically stated in her examination in chief that I listened that the conflict took place in which the victim died. The said witness has specifically stated in her cross examination in para No. 2 and 4 that she has not seen the occurrence as alleged in the FIR because she was out of village at the time of occurrence. Therefore, it is clear that the said witness has not seen the occurrence alleged.

10. **Witness No – 03,** As far as PW. No.3 is concern, who is declared hostile by the prosecution and not supported the case of the prosecution.

11. **Witness No – 04,** In this instant case the prosecution has adduced the investigating officer as PW No.4 in this case who has stated in examination in chief that after investigation, the case was found true and accordingly supplementary chargesheet No. 59/2025 dated 12.08.2025 was submitted which is in his writing and signature which is marked as exhibit P-1 accordingly.

In cross examination the said witness has stated that he has interrogated the persons nearby the place of occurrence but none has given any statement and nothing incriminating articles in course of investigation has been recovered and the accused persons have also not confessed their guilt before him. Moreover, the said witness is a formal witness.

12. **Witness No – 05,** Now I would like to analyze the evidence of Dr. who has been adduced her evidence as PW No.5 in this case. She has stated in her examination in chief that antemortem injury 1) swelling of size 12 cm x 8 cm present over left temporo parital region of scalp. On

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opening scalp under scalp hemotoma of size 12 cm x 8 cm corresponding to above mention injury. It is situated 2 cm left to mid line and 5 cm above left mastoid. 2) Linear fracture of length 6 cm present obliquely over tempo parital region, situated 3 cm left to mid line and 6 cm above left mastoid. 3) Extra dural hemorrhage of size 12 cm x 8 cm present over left tempo parietal region of brain

Rigor mortise present all over the body. PM hypostasis present over back and dependant areas and is not fixed

Both cornea transparent and moist. Fingers of nails and toes cyanosed. Face congested.

On Dissection:-

1. Brain congested, lungs congested, heart all coronira are patent. Right chamber contains blood. Teeth are intact 14 x 14 in number. Stomach contains 15 ml radish fluid. Leaver congested, kidneys congested. Bladder empty.

Cause of death:- injuries mentioned are antemortem in nature and caused by hbs/force. Cause of death is due to hed injury as result of blunt force trauma to the head.

- 13.** In this instant case defense has not adduced any oral evidence or documnetary the innocence and denial of committing offense is only the defense plea. Now in this instant case witness No.1 who is the real mother of the deceased who has given fardbayan in which the occurrence whichever took place is based upon has not supported the case of the prosecution and specifically stated in para No.4 of the cross examination that at the time of occurrence as alleged in the FIR on that very time she was in her home and in para No.6 of the cross examination she has also stated that she has not seen the occurrence alleged and in para 8 she has stated that her fardbayan is based on

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heresay evidence. Therefore, one can safely say after scrutinizing the evidence of the informant that she has not supported the case of the prosecution as alleged in her fardbayan on which this case is based upon. In the same manner as far as the prosecution witness No.2 is concern she has also not supported the case of the prosecution neither in exmination in chief nor in cross examination. Such witness ha specifically stated in para 3,4 and 5 of her cross examination that she has not seen any part of the occurrence as alleged in the FIR and she has just listen about the occurrence from other person, the name of the other person to whom she has listened is not known. Therefore, such witness has also not supported the case of the prosecution. As far as prosecution witness No.3 is concern, she has been declared hostile by the prosecution and the prosecution has not been able to prove the case even after in cross examination such witness has specifically stated that she does not know any information with regard to occurrence alleged. As far as the witness No.3 and 4 are concern, who are the investigating officer, investigated the matter and doctor who has performed postmortem of the deceased are formal witnesses and on the basis of the statements made by official witnesses such as witness No.3 and 4 in this case, it could not say that the accused persons facing trial in this instant case are guilty. Therefore, considering the entire material and after thorough scruitny of the statements of the witnesses, the prosecution is miserably failed to establish/prove the charges levelled against the petitioner accused facing trial. Therefore, I am of the opinion that petitioners accused named as above are deserved to be acquitted accordingly.

ORDER

The accused namely (i) Makeena Khatoon and (ii) Md. Azad are not found and held guilty for the charges punishable under Sections

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341, 323, 302, 504/34 of the IPC and acquitted accordingly. Further Makeena Khatoon is on bail therefore, her bail bonds is cancelled and sureties discharged. Petitioner accused namely Md. Azad is in custody henceforth, BC is directed to issue release order accordingly.

This dictated and corrected judgment is pronounced by me in the open Court today.

Dictated and Corrected by me

(Dictated)

(Sushil Kumar Dixit)
Addl. Sessions Judge-I
Jhanjharpur
12.05.2026

(Sushil Kumar Dixit)
Addl. Sessions Judge-I
Jhanjharpur
12.05.2026