

In the Court of Addl.Sessions Judge-II, Jhanjharpur,
Distt- Madhubani, BIHAR.

Session Trial no-655/23

Ghoghardiha P.S. Case No. 114/2023, dt-10.07.2023 u/s :- 201, 302, 34 of IPC

**State(Through Pramod Kumar Safi)
V/S**

1. Anita Devi, aged about 25 years, W/o Sri. Pramod Kumar Safi.
R/o Village-Narhi, PS- Andharamath, District-Madhubani.
2. Jay Prakash Mandal aged about 37 years S/o- Sri Kari Mandal.
R/o Village-Dhunki Kariyaut, PS- Laukahi, District-Madhubani.
_____Accused

Chronology of the Case

1. Date of Offence- 10.07.2023
2. Date of FIR- 10.07.2023 u/s's 302/34, & 201/34 of I.P.C.
3. Date of Charge-sheet- 78/2023// 28.09.2023 u/s's 302/34 & 201/34 of I.P.C.
4. Cognizance u/s's-302/34 & 201/34, dated-07/11/23.
5. Date of Framing Charge-24.01.2024, u/s's 302/34 & 201/34 of I.P.C.
6. Date of commencement of evidence- 16.02.2024
7. Prosecution Evidence Closed- 28.07.2025
8. Date on which Judgment is Reserved- 04.06.2026
9. Date of the Judgment-16.06.2026

Ld.Counsel for prosecution- Sri.Devshankar Jha(A.P.P)
Sri.Jagdish Prasad Yadav

Ld.Counsel for defence- Sri.Baleshwar Gurmait
Sri Shib Chandra Kumar.

Present-Abhishek Ranjan
Addl. Sessions Judge-II, Jhanjharpur.

JUDGMENT

The accused persons namely Anita Devi and Jay Prakash Mandal stands charged u/s's-302/34 & 201/34 of I.P.C.

PROSECUTION CASE

2. The prosecution case in nutshell is that on 03-07-2023 at 02:00 pm, informant wife Anita Kumari left the house, along with her son Prince Kumar, and daughter Shirishti Kumari, to meet her brother. When she did not returned home till evening, informant family members searched for her a lot, but could not find her.

Thereafter, informant was informed about it. Informant was working as a labourer in Kolkata. On receiving information, he left his work on 04-07-2023, and came home. Informant searched at his relatives place, but could not find anyone. On 10-07-2023 at around 04:00 P.M, he received information that his wife Anita Kumari and Jai Prakash Mandal, had murdered Prince Kumar, and daughter Srishti Kumari, and thrown them into the river near Khap bridge of Kisnipatti Balan river in Ghoghardiha police station. Out of which, Prince Kumar has been taken out of the water, and Srishti-Kumari drowned in the strong current of the river. The murderers Anita Kumari, and Jai Prakash Mandal, and a new Santro car used in the murder, BROGN-3678, were handed over to the police by passersby, and people near the incident site. Both the murderers were beaten up by the mob, due to which the police officials brought both the murderers under their protection to the Primary Health Centre (Ghoghardih) for first aid. Informant has full faith that his wife Anita Kumari, and Jai Prakash Mandal, had murdered both his children due to a love affair, and thrown them in the river, to hide the truth. Hence, this case.

3. On the basis of fardbyan of informant, Ghoghardiha police station registered a P.S. Case No. 114/2023 u/s's 302/34, and 201/34 of IPC. After investigation police submitted charge sheet u/s's 302/34 and 201/34 of IPC, against all accused persons.

4. Content of charges were read over and explained to accused persons u/s's-302/34 and 201/34 of I.P.C.

5. Defence has denied the allegations and claimed to be innocent in statement u/s 313 of Cr.P.C.

6. Now the only point for determination is whether the prosecution has been able to prove charges leveled against accused persons beyond all shadow of reasonable doubts or not?

FINDINGS

7. Altogether 7 witnesses examined on behalf of prosecution.

PW-1	Pramod Kumar Safi
PW-2	Shyam Kumar Yadav
PW-3	Dr. Ravi Prakash
PW-4	Shailendra Kumar Singh

PW-5	Md. Rahmat
PW-6	Dinesh Kumar Singh
PW-7	Dr. Kunal Shankar

8. Exhibits on behalf of prosecution are:-

Exhibit-1	Signature of informant over the fardbyan
Exhibit-2	Postmortem report of Srishti Kumari
Exhibit-3	Signature of SHO on the charge sheet
Exhibit-4	Postmortem report of Prince Kumar
Exhibit-5	Pen drive

9. Accused persons had not adduced any oral, or documentary evidence in their defence.

10. For proper appreciation of evidence, it is essential to look into definition of offences for which accused persons have been charged.

I. **Section 302 of I.P.C-** Punishment for murder.—Whoever commits murder shall be punished with death or 1[imprisonment for life], and shall also be liable to fine.

II. **Section 300 of I.P.C-** Murder.—Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or—

2ndly.—If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—

3rdly.—If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—

4thly.—If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Exception 1.—When culpable homicide is not murder.—Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident.

The above exception is subject to the following provisos:—

First.—That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

Secondly.—That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly.—That the provocation is not given by anything done in the lawful exercise of the right of private defence.

Explanation.—Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.

Exception 2.—Culpable homicide is not murder if the offender in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Exception 3.—Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

Exception 4.—Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.

Explanation.—It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5.—Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

III. Section 299 of I.P.C.- Culpable homicide.—Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Explanation 1.—A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2.—Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3.—The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

IV .Section 34 of I.P.C.- Acts done by several persons in furtherance of common intention.—When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

V. Section 201 of I.P.C- Causing disappearance of evidence of offence, or giving false information to screen offender.—Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false,

if a capital offence.—shall, if the offence which he knows or believes to have been committed is punishable with death be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

if punishable with imprisonment for life.—and if the offence is punishable with 1[imprisonment for life], or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

if punishable with less than ten years' imprisonment.—and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

Illustration:A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

11. Argument on behalf of the Defense-

The Ld counsel on behalf of the defense has argued before the court that the accused persons are completely innocent, and has been falsely implicated in this case without any reason. It has been submitted that nothing has been recovered from their conscious possession, and there is no reason as to why the accused were apprehended. That the witnesses including informant are hearsay

witness. That prosecution has miserably failed in proving date, time, place and manner of occurrence. That the whole prosecution story is concocted, and the story has been woven around two dead children who scumbed to injury due to drowning in river. Hence, prayed to acquit the accused persons.

12. Argument on behalf of Prosecution-

The Ld A.P.P on behalf of the prosecution has submitted that the witnesses have fully supported the material facts of this case, and the witnesses are fully consistent, and coherent in their evidence except for minor inconsistencies which can be attributed to the lapse of human memory over a period of time. It has also been argued that defence just by sowing seeds of suspicion over prosecution story, wish to take benefit of doubt. It has also been argued that witnesses are eye witness, and independent witness, who were by chance at the place of occurrence. Hence, prayed to convict, the accused persons.

13. Evaluation of evidence & reasons thereof:

As per the fardbyan (Ext-1), the prosecution case in nutshell is that on 03-07-2023 at 02:00 P.M, informant wife Anita Kumari left the house, along with her son Prince Kumar, and daughter Shirishti Kumari, to meet her brother. When she did not returned home till evening, informant family members searched for her a lot, but could not find her. On receiving information, informant came to his home. On 10-07-2023 at around 04:00 P.M, he received information that his wife Anita Kumari and Jai Prakash Mandal, had murdered his son, and daughter, and thrown them into the river near Khap bridge of Kisnipatti Balan river in Ghoghardiha police station. Informant has full faith that his wife Anita Kumari, and Jai Prakash Mandal, had murdered both his children due to a love affair, and thrown them in the river, to hide the truth. In this regard evidence on behalf of prosecution is looked into.

14. PW1, is Pramod Kumar Safi, ie informant of the case. He is the father of deceased two children. He had stated that seven months ago on 10.07.2023 at about 04:00 PM, his wife, Anita Kumari, took her four-year-old son, Prince Kumar, and one-and-a-half-year-old daughter Shrishti Kumari, to her parents' home in Dakhi. Informant lived in Kolkata. Upon receiving the information, he returned home, and searched for them, but found no one. Later, he came to knew that his wife, Anita Kumari, along with Jaiprakash Mandal, murdered Prince and Shrishti by strangulating their heads, and threw them into the Balan River. Prince's body was found on the day of the incident, and Shrishti's body was found two days later. People witnessed the bodies

being thrown away. They assaulted Anita, and Jaiprakash Mandal, and informed the police station. Upon learning of this, he went to the police station, and gave his statement regarding the incident at the Ghoghardiha police station. He had proved his signature on fardbyan, which has been marked as **Exhibit P-1**. He recognizes accused persons present in the Court.

15. In his cross-examination, he states that he was at home on the day of the incident. He doesn't remember when he returned from Kolkata. He received information about the incident from the Andharamath police station guard on Monday, 10.07.2023. The incident also occurred on the same day. He arrived home from Kolkata on 04.07.2023. He arrived home at 4:00 PM. He did not see with his own eyes the incident that took place at the spot with his son Prince Kumar, and daughter Srishti Kumari, and had lodged the case on the basis of hearsay.

16. PW-2 is Shyam Kumar Yadav. He has stated that the incident happened 9 months ago at 2:00 PM. It is further stated that he was grazing cattle at that time. At that time a man brought two children in a vehicle. The man twisted the necks of both the children, and threw them in the river. He ran shouting and saw that the children had died in the river, and the man ran away. He took out both the children from the river. Both the children were dead. The murderers Jaiprakash Mandal and Anita Kumari started the vehicle, and tried to run away, but he caught them. Police came on information, and caught both the accused. The body of the boy Prince Kumar was found immediately, but the body of the girl Shrishti Kumari was found after four days of searching. He can identify both the accused persons.

17. In his cross examination he had stated that on the day of the incident, he had gone to graze buffaloes at a distance of half a kilometer from his house at 4O'Clock in the morning. The road from where the buffaloes were being grazed goes towards south, which is at a distance of 03 km from the buffalo grazing place. He does not know how many vehicles came, and went on the road at that time. He cannot even tell the number of the vehicle. It was a four-wheeler, and he cannot tell the name of the driver, and also he cannot even tell how many people were in the vehicle. The distance of the river from the road is four km. It took four days for the incident to happen. On the day of the incident, he came home at 9:30 in the night. He cannot tell the boundaries of the buffalo grazing place, and the river where the incident took place. His statement was recorded before the police, but he cannot tell the day, month, or date on which it was recorded. He had

stated that the Balan River is approximately 3 kilometers from his home. There are approximately 100-200 people living in that area. When he arrived at the site, there was approximately 100-200 persons. It is further stated that he was grazing the buffaloes alone there. The Balan River is about 3 kilometers from where he was grazing the buffaloes, and in between there is a road that goes from Nirmali to Ghoghardiha. He cannot say how many vehicles were traveling on the road from Nirmali to Ghoghardiha, and from Ghoghardiha to Nirmali at the time, because he was grazing the buffaloes. He cannot even say how many passengers were traveling in the vehicles. While he was grazing the buffalo, he didn't see anyone walking, or any vehicles passing by on the road. When he reached the Balan River, there were about 300 people gathered there, lined up. He can't say how many villagers were in the river, and how many were on the riverbank. He cannot tell the extent of the injuries on the deceased Prince's body, when he saw him. He cannot even say where the injuries were on the deceased's body. He saw Srishti Kumari being beaten. He did not see where the wounds were on her body. Srishti Kumari's body was not recovered. Again, he state that Srishti Kumari's body was recovered. He cannot tell the extent of the injuries sustained by Srishti Kumari. The entire incident took a total of four days, and he did not witness any of the events that occurred during these four days.

18. PW-3 is Dr. Ravi Prakash, who conducted postmortem of deceased Shristi Kumari. He has stated that on 13.07.2023, he was posted as a medical officer at Sadar Hospital, Madhubani. On that day at about 7:50 AM he conducted the postmortem examination on a dead body of a Hindu Female aged about 18 months. Her name- Shristi Kumari, D/o- Pramod Safi, Village- Narahi, P.S.- Andhramath, Dist. Madhubani, and identified by Chaukidar 7/8 Rajnish Bharti, P.S. Ghoghardiha, Dist. Madhubani, and following observation findings:-

- (a) Dry mud present on his body.
- (b) Swelling of neck.

On Dissection :-

- i). Cervical Vertebra bone was fractured.
- ii). Internal viscera started decomposed.
- iii). Heart-both chamber present of blood with froth.
- iv). All viscera namely lungs, liver, spleen both kidney were congested.
- v). Stomach containing digested food material.
- vi). Intestine containing fecal matter of gases.
- vii). Urinary bladder empty.

Time since death within 72 hrs.

Death in his opinion was due to spinal shock caused by neck bone fracture injury.

He had proved postmortem report of Shristi Kumari, which has been marked as **Exhibit-2**.

19. In his cross-examination, he had stated that he has approximately one and a half years of experience in performing postmortem. A board had not been formed prior to the postmortem. He is a plain MBBS, and not an expert in surgery. He did not elaborate on the dry mud in the report. The postmortem report not indicated the size of neck swelling. He did not elaborate on this issue in the postmortem report. When the cervical bone fracture was noticed, it was not medically examined by any other method. He has not given details in his postmortem report as to when the composition began. He found traces of food when he began the post-mortem examination. He did not write anything about the food in the report. The post-mortem report was initially prepared on plain paper at the mortuary. The distance from the mortuary to his office is approximately 500 meters. He prepared the report in his office. At that time, he did not feel the need for a medical officer. During the post-mortem, he did not feel the need for any chemical examination of the dead body. He did not request any tests related to the composition of the dead body. He didn't see any color of the dead body. When preparing the postmortem report, he noted the antemortem injuries, and didn't provide any details about the color of the body in the postmortem report. If there is a wound on the body, the color of the body changes after 3 to 4 hours. It is not true that the body colour changes after 3 to 4 hours of injury. I told this wrongly. There is no degree written along with my signature on the first post mortem report. A fracture of the cervical bone can also occur after being hit by a motorcycle. Falling onto a hard surface can also cause a fracture of the cervical bone. The deceased was brought to him for a post-mortem examination approximately 72 hours after her death. At the time of the post-mortem, there was no rigor mortis on the body. Rigor mortis occurs 8 to 36 hours after death, and on that basis, he estimated the time of death. In estimating the time of death, he also considered the fact that decomposition of a dead body usually occurs after 48 hours.

20. PW4, is Shailendra Kumar. He has stated that this incident occurred 15 months ago. It happened around 02:00 PM. It is

further stated that he was traveling from Nirmali to Ghoghartila. He reached the Kamalabalan khap River, and stopped to urinate. He saw a man carrying a child on his shoulder, and another child holding his hand, walking towards the river bank. He then saw the child being hold by the man running towards him, crying. The man then grabbed the child, pinned him down, and threw him into the water. He then strangled the other child, and threw him into the water. A man then jumped into the water, and searched for the two children. He found one child dead, but the other was missing. The man who had killed the two children, Jaiprakash Mandal, then started running away. After this we raised an alarm, and 2-3 more people gathered there. Then we saw Jaiprakash Mandal with a woman Anita Devi, who was his associate. On informing the police station, the police came, and arrested both the accused. The two children were a boy and a girl. The girl's name was Srishti Kumari whose age was 1-1.5 years, and the other boy was Prince Kumar whose age was about 4 years. Of the two dead children, Srishti Kumari's body was not found, whereas Prince Kumar's body was found. Accused Jaiprakash Mandal and Anita Devi are present in the court today, whom he recognizes.

21. In cross-examination, he had stated that on the day of the incident, he left home for Nirmali. He left home at 12:00 noon, and arrived at Nirmali around 12:45 PM. It took approximately one hour to complete his work in Nirmali. He traveled by bike, and departed from Nirmali at 1:45 PM. When he arrived at the scene, there were some vehicles behind him, whose numbers he cannot tell. He stood on the road for about 2-3 minutes. No one else stopped where he stopped. He stayed at the scene for about half an hour to an hour. He did not inform the police on his own. The scene was about 300 yards from where he stopped, and those 300 yards were towards the west and north. The western embankment is about 200 to 300 yards from the river. There are no houses on that embankment. About half a kilometer west of the embankment is a square, and then a settlement is half a kilometer from the square. From his house, the distance of village Kisni Patti is 5 km. Five to six people own shops at Kisnipatti Chowk. At the time of the incident, none of the shopkeepers from that Chowk came to the scene. It took him two to three minutes to reach the embankment from the road. His statement was recorded with the police in connection with this case. His statement was recorded at the police station. He cannot tell the date, month, and day, on which the statement was recorded at the police station. In police statement, he had stated that he was traveling from Nirmali to Ghodhardiha on the day of the incident. The person who jumped into the river came from the west. He cannot name the person who jumped. He cannot say, how

many people came to the scene. He cannot even name the person, who pulled the body from the river. He cannot say how many farmers were working in the fields. He saw Srishti Kumari before the incident. He did not see her afterward. He does not remember what clothes Srishti Kumari was wearing, and saw only one wound on Prince Kumar's body at the scene of the incident. He first saw the deceased Prince Kumar in the river at the scene of the incident, and then again on the river bank. He does not know the name of the person who placed Prince Kumar on the river bank. The child was laid face down. Both his hands were on the mud at that time. He cannot say whether the deceased Prince Kumar's fists were open, or closed, when he saw him. When he saw him, he was wearing vest and blue jeans. He saw a silver Hanuman Ji locket on Prince Kumar's body. Apart from this, he did not see anything else on the deceased Prince Kumar's body. He cannot say how many people were present when he arrived at the scene. There were 250-300 people there, but he can't say where they were from. He stayed at the scene for about an hour. During that hour, he cannot say who came to the scene of the incident, and who went away.

22. PW-5 is Md. Rahmat, who is a chaukidar. He has stated that this incident occurred one year and five months ago. It was 1P.M. He was patrolling near the Kisnipatti Dam. He became suspicious when a red car approached. Jaiprakash got out of the car, carried a child on his shoulder, and hold a hand of other child. He was walking toward the Balan River, accompanied by Anita Devi. After that, the accused Jai Prakash Mandal twisted the neck of the girl whom he was carrying on his shoulder, and threw her into the river, due to which the girl died. Then the boy started running away, and the accused Jai Prakash Mandal caught hold of him too, and twisted his neck, and threw him into the river. Then Shailendra, he, and another man ran towards Jai Prakash Mandal and caught him. After that, many people gathered, and informed the police station. A police vehicle arrived, recovered the boy's body from the river, and took it into custody. The girl's body was found two days later. The police brought the boy's body to the police station, and took it to Madhubani for post-mortem. Today, Jaiprakash Mandal and Anita Devi are present in the court, whom he recognizes.

23. In his cross examination he had stated that he had left home on the day the incident occurred, and had gone on patrol on the verbal orders of the station in-charge. He left his home for patrol at 12:30 PM, and arrived on the main road at 1PM, near the bridge on the Ghoghardiha-Nirmali road. The distance from the bridge to the Kisnipatti Dam is approximately 1 km. He stayed on the main road

for approximately one hour. He cannot estimate the number of vehicles that came onto the road during this time. He does not remember the number of the vehicle in which accused was sitting, but he does remember its color, and the accused, Jai Prakash Mandal, was driving the vehicle. It is further stated that farmers were working before at a distance of 200 gaz. When, he raised shout, 20-25 people gathered there, and at that time people caught the accused Jaiprakash Mandal on the main road. It took 15 to 20 minutes to reach the scene from the main road. Everyone with him ran from the main road to the Balan river. Before reaching the Balan River, there was no one there. There are no houses near the scene. Kisnipatti village is 1.5-2 km from the scene. The river is adjacent to the Kisnipatti Dam. Approximately 10 people live on the Kisnipatti Dam. When he arrived, none of the people living on the embankment were present. He gave a statement to the police regarding this case. He doesn't remember the day, date, or month, his statement was recorded at the police station. The incident occurred between 1PM and 4PM. He left for the police station from the Kisnipatti main road at 3:30 PM, and arrived at the station at 4 PM. He stayed there for approximately 15-20 minutes. When he first saw Prince, there were 10 to 15 people present, followed by others. Shyam Kumar pulled Prince from the river. When he saw Prince, there were 10 to 15 people surrounding him. He saw a wound on his body, and did not speak to any of the people present there. When he saw Prince Kumar, he did not see Srishti Kumari. He cannot tell the exact time the police arrived at the scene, but they seized the vehicle, and the man from the scene. He does not know the name of the person who signed the seizure list. It is further stated that he do not know Pramod Kumar Safi, who is the informant in this case.

24. PW-6 is Dinesh Kumar Singh, ie I.O of the case. He has stated that he was posted as an ASI at Ghoghardiha Police Station in 2023. He took the responsibility for the investigation of Ghoghardiha Case No. 114/23 on 10.07.2023. As part of the investigation, he parked his vehicle at Hatni Mor at 12 noon on 10.07.2023, to monitor anti-social elements. At that time, the Mahal Chowkidar received a call on his mobile phone stating that between 1 and 2 PM, in Kisni Patti Balan khap, a man had thrown two children into the river, after twisting their head, and running away. Following this information, he departed for the scene on his vehicle, and arrived there within approximately 10 minutes. He saw Jaiprakash Mandal being assaulted by people from the farmyard. Anita Devi was sitting in the Santro car, and the women were beating her together. Seeing this, he saved both Jaiprakash Mandal and Anita Devi, and

made them sit in his car. Both of them were taken to the Primary Health Centre, Ghoghardiha for treatment, and then brought to the police station, and locked up in the lock-up. Then they left for the incident spot again. The body of the child was recovered from the incident spot. The child was sent to Madhubani for post-mortem via the police station by the Mahal Chowkidar. Then they reached the incident spot to find the body of the other girl. They searched a lot, but could not find the body. They returned to the police station again. On the second day, it was learnt by the public that the dead body of the girl had surfaced in the river, which was taken into custody, and sent to Madhubani for postmortem. At the above mentioned incident spot, eyewitness Shyam Kumar Yadav gave a statement that he was hiding in the river bank, grazing buffaloes, and whatever he told about the incident, he recorded it in the case diary. The statement of the second witness, Mahal Chowkidar Mohammad Rehmat was taken, and recorded in the case diary. He also recorded the statement of another witness Shailendra Kumar, who was an eyewitness, in the case diary. The case was supervised by SDPO, Phulparas, and after receiving the supervision, he recorded it in Para No. 54 of the case diary, and as per the supervision, he prepared the charge sheet as per the orders of the senior police officer and submitted the charge sheet no. 78/2023 which is mentioned in para no. 78 of the case diary. The charge sheet of the said case is in his handwriting and signature, on which his full signature is there, which he recognizes. Along with this, the charge sheet has also been signed by the police station in-charge Sarvesh Kumar Jha, which he recognizes. He had proved charge sheet, which is marked as **Exhibit-3**. He recognizes both the accused present in the court today.

25. In his cross-examination he had stated that he left the police station for investigation at 15:00, but he did not record his return in the case diary. From paragraphs 2 to 10 of the case diary do not contain his signature or initials. Paragraphs 2 through 10 of the case diary do not contain any statements from any of his colleagues. The case diary does not record the time at which he first arrived at the scene, when he was assigned to investigate. He first visited the scene on the instructions of the police chief, and he first arrived at the scene on July 10, 2023. He has not recorded the statements of any witnesses at the scene on July 10, 2023 in the case diary. His initials, or full signatures, are not there anywhere in paragraphs 12 to 18 of the case dairy. He recorded the statements of the witnesses the day after the incident. When he went to the scene of the investigation, he found no incriminating material, nor did he confiscate any. When he arrested both the accused, no objectionable material was recovered

from them during investigation. As part of the entire investigation, he last visited the scene on 13.09.2023. He did not record any witness statements in the case diary after July 11, 2023. He did not attend the post-mortem examination; instead, the Mahal Chowkidar attended. The inquest report, as stated in paragraph 44 of the case diary, was not prepared by him. When he reviewed the inquest report during the investigation, he found no need for any medical examination. He has mentioned this matter in para 48 and 51 of the case diary, and it is signed by him. During the course of investigation he obtained the post-mortem report, after which he did not required any other forensic, or other chemical investigation.

26. PW-7 is Dr. Kunal Shankar, who conducted postmortem of boy Prince Kumar. He has stated that on 11.07.2023, he was posted as a medical officer at Sadar Hospital, Madhubani. On identification by chaukidar 8/7 Md. Shamsheer, he has done the post mortem of deceased Prince Kumar aged about 4 years S/o Pramod Kumar Safi of village Narhi, P.S. Andhramath, Dist. Madhubani, and has found following.

Eye close, mouth close, fist half close. Rigor mortis present.

Observation finding:-

- (a) Dry mud present on his body.
- (b) Swelling neck.

On Dissection:-

- (a) Cervical vertebra bone was fracture.
- (b) Heart-Right chamber full of blood and left chamber empty.
- (c) All viscera namely lungs, liver, spleen both kidney were congested.
- (d) Stomach containing digested food material.
- (e) Intestine containing fecal matter and gases.
- (f) Urinary bladder empty.

Time since death - Within twenty four hours.

Opinion- Death in our opinion was due to spinal shock cause by neck bone fracture injury. He had proved postmortem report which has been exhibited as **Exhibit- 4**.

27. In cross-examination, he had stated that the dead body of the deceased was given to him by the chowkidar. When the dead body of the deceased was brought to the mortuary, his entire body was covered with mud. Prince Kumar's body was first observed, and then cleaned. This fact is not mentioned in the report. The color of wounds Nos. 1 and 2 has not been mentioned in the report. The color of the dead body also indicates the length of time since death. The color of the fractured cervical bone in Wound No. 1 is not mentioned.

Fractures can also have secondary color. The direction of the skin overlying the fracture is not marked. It is not true that his report is incomplete, and he will provide information on what caused the spinal shock in this case. He doesn't prepare the postmortem report on notebook, or plain paper at the postmortem house, but rather on his laptop. He took printout of the postmortem report on his laptop, submit the final report, and note it in the register at the office. No X-rays were required during the postmortem.

28. Nature of witness:

Here it is important to mention the nature of witnesses examined in this case. As defence main plea is that informant in collusion with witnesses had falsely implicated accused persons. PW1 is informant of the case. He is the father of deceased children, as well as husband of accused Anita Devi. He had admitted in his cross examination that he was at home, at the time of occurrence, and had lodged the case against accused persons on whatever people told him. So, informant is a hearsay witness. PW2 is an eye witness. He had stated in his examination in chief that while he was grazing cattle, at that time a man brought two children in a vehicle. The man twisted the necks of both the children, and threw them in the river. He ran shouting, and saw that the children had died in the river, and the man ran away. He took out both the children from the river. Investigating officer who is PW6, had also supported that he recorded the statement of eye witness Shyam Kumar Yadav who happens to be PW2. PW5 who is chowkidar of the area had stated that he along with Shailendra(PW4), and one another man ran towards Jai Prakash Mandal. Thus, from evidences on record it is quite clear that PW2 is an eye witness. Similarly, PW4 is an eye witness. Both PW5 and PW6 had supported this fact. Also, PW5 is an eye witness, as he is a chowkidar of the area, and was present nearby at the place of occurrence. PW3 and PW7 are doctors, who conducted the postmortem of the two children ie Prince Kumar, and Sristhi Kumari. PW6 is a investigating officer. The most important fact of this case is that witnesses are neither related, nor interested witnesses. Witnesses happens to be chance witnesses, who were crossing the place of occurrence, at the time of occurrence. Even they belong to different village.

29. Cause of Death:

Death of Prince Kumar and Srishti Kumari is not in dispute. Exhibits-2, and 4, are postmortem reports of Shristi Kumari and Prince Kumar, respectively. In it, cause of death is due to spinal shock caused by neck bone fracture injury. PW1 in his examination in

chief, had stated that Jaiprakash Mandal killed his children by twisting their neck. PW2 had stated that he saw a man twisting the necks of both the children, and threw them in the river. PW4 had stated that he saw a man carrying a child on his shoulder, and another child holding his hand, walking towards the river bank. He then saw the child being hold by the man running towards him, crying. The man then grabbed the child, pinned him down, and threw him into the water. He then strangled the other child, and threw him into the water. PW5 had stated that that Jaiprakash got out of the car, carried a child on his shoulder, and hold a hand of other child. He was walking toward the Balan River, accompanied by Anita Devi. After that, the accused Jai Prakash Mandal twisted the neck of the girl whom he was carrying on his shoulder, and threw her into the river, due to which the girl died. Then the boy started running away, and the accused Jai Prakash Mandal caught hold of him too, and twisted his neck, and threw him into the river. So, evidences on record is consistent on cause of death of Prince Kumar, and Srithi Kumari, which is due to twisting their neck by bare hands.

30.Perpetrators or who committed the Crime:

Instant case is based on fardbyan of informant and on same informant had proved his signature which is exhibit-1. In fardbyan it has been stated that Jaiprakash Mandal, and Anita Kumari by twisting the neck of Srithi Kumari, and Prince Kumar, had killed his both children. People who saw the occurrence, caught hold of accused Anita Devi, and Jaiprakash Mandal, and assaulted them. Thereafter, they informed the police. PW2 had stated that murderer Jaiprakash Mandal, and Anita Devi by starting the vehicle, tried to flee away. PW3 had stated that the person who killed both the children was Jaiprakash Mandal, and he started running away. He saw Jaiprakash Mandal accompanied by his accomplice Anita Devi. PW5 had also stated that he along with Shailendra, and one other man caught Jaiprakash Mandal. PW6 is I.O of the case and has stated that on receiving information he reached place of occurrence. He saw Jaiprakash Mandal being assaulted by people from the farmyard. Anita Devi was sitting in the Santro car, and the women were beating her together. Seeing this, he saved both Jaiprakash Mandal and Anita Devi, and made them sit in his car. Both of them were taken to the Primary Health Centre, Ghoghardiha for treatment, and then brought to the police station, and locked up in the lock-up. Even accused Anita Devi in her statement u/s 313 of Cr.P.C had admitted that it was Jaiprakash who killed her children, while she was in car in intoxicated state. Here, accused Anita Devi had taken plea that she was in intoxicated state, at the time of occurrence. But pen drive which is

exhibit-5, in which photos and videos are there, shows a different picture. Here she is found to be in good human senses. Even exhibit-5 also proves that both accused persons in premeditated way had killed both children. So there is no cause, or reasoning not to believe that it was accused Jai Prakash Mandal along with accused Anita Devi who had committed the crime. Witnesses are consistent on point of commission of offence, and role attributed to each of the accused persons in commission of occurrence. So, from deposition of witnesses it is quite clear that Jaiprakash Mandal killed both the children, and accused Anita Devi who accompanied her sat on Santro car. Thus, there is no doubt that accused Jaiprakash Mandal and Anita Devi had done the occurrence.

31.Murder or Culpable Homicide:

It is quite clear from deposition of witnesses ie PW1, PW2, PW4, PW5, and PW6, that accused persons facing trial in this case, came on a Santro car in a premeditated way to Balan river. Accused Jaiprakash Mandal took Shristi Kumari on his shoulder, and holding hand of Prince Kumar started going towards Balan river. While on way, Jaiprakash killed Sristhi Kumari by twisting her neck. When the four year boy Prince Kumar tried to escape, he was pinned down by Jaiprakash. Thereafter, Jaiprakash killed Prince Kumar by twisting his neck. Thereafter, he threw both the dead bodies of children in water of Balan river. This was done to make any evidence disappear, regarding their gruesome act. So, as per section 300 of I.P.C, the act committed by accused persons is murder.

32.Motive:

Here the most interesting part is that there is no motive behind the occurrence. Utmost it can be stated that it is a crime of passion. Accused Anita Devi who had admitted in her statement under section 313 of Cr.P.C, that she is in love with co accused Jaiprakash Mandal. Here it is above any reasoning that how could a mother of deceased children, let her lover kill her children aged about 4 years, and 1 ½ years in front of her eyes. It appears from the evidence on record that it is a case of cold blooded murder. Also, from statements of witnesses it appears to be that there is no motive of accused persons in committing the occurrence.

33.Date, Time, Place and Manner of occurrence:

PW1 had stated that he got information on 10.07.23 at 4 P.M that accused persons by twisting the neck of his children had murdered them. Then they threw them in Balan river. PW2 had stated

that occurrence is of 9 months ago at 2 P.M. Accused persons murdered the children by twisting their necks, and threw them in the river. Similarly, PW4 had stated that occurrence is of 15 months ago, at 2 P.M. He stopped near Balan river to urinate. He saw accused persons strangulating both the children by bare hands, and threw them in the river. PW5 had also stated the same facts, about the occurrence. PW6 who is I.O of the case had stated that on 10.07.23, he got information that two people by twisting the necks of two children had murdered them, and threw their body in the Balan river. PW7 in his postmortem report of Prince Kumar had written that time since death within 24 hours. While PW3 in postmortem report had written time since death within 72 hours. From evidence on record, it is quite clear that dead body of Prince Kumar was recovered from river immediately, while dead body of Srishti Kumari was recovered after few days. So witnesses are more or less consistent on date, time, place, and manner, of occurrence. However, at the time of occurrence, the trauma and shock under which witnesses had to go through the whole ordeal would have created minor discrepancies in the statement of witnesses. Also, witnesses are from village, and had rustic approach in giving statement before Court.

34. Here it is important to mention the pronouncement of Hon'ble Apex Court's judgment in the case of **State of U.P. Versus Krishna Master reported in [(2010) 12 SCC 324]**. In paragraph nos.15 and 17 of the said judgment Hon'ble Apex Court has observed as under:-

"Before appreciating evidence of the witnesses examined in the case, it would be instructive to refer to the criteria for appreciation of oral evidence. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is found, it is undoubtedly necessary for the court to scrutinise the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief. Minor discrepancies on trivial matters not touching the core of the case, hypertechnical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole. Defence had miserably failed to take out any contradiction, or falsify the crux of the matter, which is accused persons came on a Santro car in a premeditated way. Further, accused

Jaiprakash Mandal took one child on his shoulder, and the other child holding his hand towards Balan river. Thereafter, he twisted the neck of Shristi Kumari, aged about one and half years, and when four years old Prince Kumar tried to escape, caught him, and twisted his neck. Thus killing both the children. Minor discrepancies here and there would not let the case to fall. As evidences on record as a whole is intact, and no dent has been made by defence in the occurrence taken in complete sense.

35. The accused persons has been charged for the offense U/Sec 201/34 of I.P.C. From the evidences on record, and discussion made thereof, it is quite clear that accused persons after murdering both the children, threw their body in Balan river. This act itself shows that they tried to make the dead body disappear. Meaning thereby that they tried to disappear evidence of offence. Hence, offence u/s 201/34 of I.P.C is also proved against the accused persons. In the light of the aforesaid discussion made above, this Court find that the prosecution has been able to prove the guilt of the accused persons namely Anita Kumari, and Jaiprakash Mandal for the offense u/s's 302/34 and 201/34 of I.P.C.

Hereinafter order is passed.

ORDER

In the result, accused persons namely Anita Kumari and Jaiprakash Mandal are held guilty, and convicted for the charges of offense u/s's 302/34 and 201/34 of I.P.C. Further, convicted persons are already in custody. So, put up the case record on 30.06.2026 for hearing on the question of sentence.

(Abhishek Ranjan)
Addl. Sessions Judge.-II
Jhanjharpur
Date-16.06.2026

(Abhishek Ranjan)
Addl. Sessions Judge-II
Jhanjharpur
Date-16.06.2026

This judgment has been dictated, corrected, signed, sealed, and pronounced, by me in open court today i.e 16th Day of June, 2026.

(Abhishek Ranjan)
Addl. Sessions Judge-II
Jhanjharpur
Date-16.06.2026