

DISTRICT-MUNGER.**IN THE COURT OF ADDITIONAL SESSIONS JUDGE VII.****MUNGER.****Present: Bipin Bihari Rai.****Additional Sessions Judge VII Munger.**

Sessions Trial Case no.- 51/2021.

CIS No.- 51/2021.

State of Bihar Through Informant- Soni Kumari.

..... Prosecution.

VS

1. Pritam Priya.....aged about 46 years.
2. Shubham Sandhu aged about 24 years.
3. Manjeet Kumar.....aged about 25years.
4. Amarjeet Roushanaged about 27 years.
5. Rahul Kumar.....aged about 26 years.
6. Dharmendra Paswanaged about 36 years.

..... Accused persons.

(This Sessions case arises out of Dharahra(Hemjapur) P.S case no. 85/19 dated-01-04-2019 u/s 189/448/323/354/307/504/380/34 of the I.P.C & 27 of Arms Act).

Date of registration of F.I.R.:- 01-04-2019.

Date of cognizance :- 03-12-2019.

Date of commitment:- 11-02-2021.

Date of Charge :- 05-01-2022.

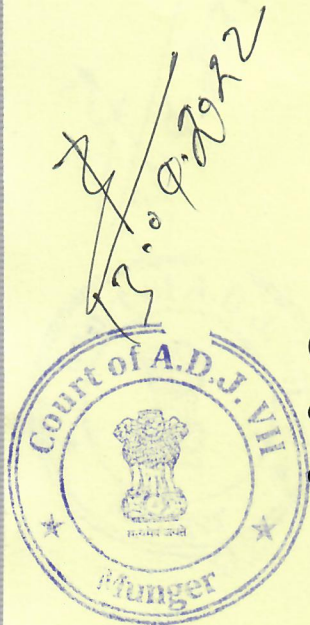
Date of statement u/s 313 Cr.P.C:- 16-03-2022.

Ld. A. P.P. on behalf of State:- Shri Dharendra Kumar.

Ld. Advocate on behalf of Defence:- Shri Pankaj Kumar.

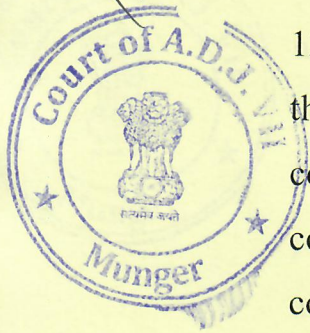
Charge u/s : 189,323,380,354,448,504,307/34 of Indian Penal Code

Date of Judgment:- 13.04.2022.



JUDGMENT

1. The above named accused persons are facing trial for the offence punishable U/S 189,323,380,354,448,504,307/34 of Indian Penal Code.
2. The prosecution case in short is on 10.04.17 Ritesh Raj had given a written application to the Sarpanch(complainant of this case) of Gram Kachahri Shiv Kund Panchayat for solving his family dispute. After registering the case in gram Kachahri, the complainant issued summon to Deep Sikha and Nawal Kishor for their appearance before the gram Kachahri. The accused persons refused to receive the summon, the same was returned unserved which is annexed in the case record of Gram Kachahri. On 11.04.17 at about 09 pm the accused Shubham Sindhu and Pritam Priya came to the house of the complainant and told to her to tore the petition which is lodged against Deep Shikha Bharti and Nawal Kishor and to conclude it. On this the complainant replied that she is a Sarpanch and she will pass proper order. Hearing this both the accused persons became furious and threatened her to bear dire consequences. On 12.04.2017 at about 3 pm the complainant was sleeping in her house and in the mean time all the accused persons entered into the house of the complainant and began to abuse her in filthy language. When the complainant protested then accused Subham Sindhu tore the blouse of the complainant and accused Dharmendra Paswan assaulted on her head by iron rod, accused Rahul Paswan fired on her, hearing the noise of firing witnesses came, then accused persons fled away. In the mean time accused Pritam Priya snatched golden chain of of the complainant. The accused persons are criminal type persons, prior to this they also threatened her husband, regarding this Sanha No. 2699/2014 dated 27.10.14 had been filed. Regarding this occurrence the complainant filed a complaint case bearing no. 947/2019 in the court of learned Chief Judicial Magistrate Munger, who sent this complaint case to the concerned police station u/s 156(3) of Criminal Procedure Code for registration of FIR and to submit



final report. On such direction officer in charge of Dharhara PS registered a F.I.R. u/s 189/323/380/354/448/504/307/34 IPC and 27 of the arms act against six named accused persons and handed over this case to ASI Ramjee Sharma for investigation. After investigation the investigating officer of this case found this case true and submitted charge sheet against the accused persons namely 1. Shubham Sindhu @ Shubham 2. Pritam Priya 3. Dharmendra Paswan 4. Manjeet Kumar 5. Rahul Kumar 6. Amarjeet Raushan u/s 189/448/323/354/307/504/380/34 of the I.P.C in the court of learned CJM, Munger who took cognizance of the offence accordingly and after supply police paper to the accused persons committed this case to the court of sessions vide order dated 11.2.2021 and lastly this case was received to the file of this court for trial and disposal.

3. Charges against the above accused person were framed under section U/S 189/323/380/354/448/504/307/34 of Indian Penal Cod Act on 05.01.2022, Charges were read over and explained to them in Hindi to which they pleaded not guilty and claimed to be tried.

4. The statement of the accused persons were recorded under section u/s 313 Criminal Procedure Code. The case of the defence is complete denial of the occurrence claiming themselves to be innocent.

5. The point for determination in this case is, as to whether the prosecution has been able to bring home the charges leveled against the accused persons beyond the shadow of all reasonable & probable doubt or not ?

FINDINGS

6. To substantiate its case, in ocular evidence, the prosecution has examined altogether six prosecution witnesses namely:-

Seria l No.	Name of Witness	Witness Number	Witness Description
1.	Gaurav Kumar Paswan	PW1	Husband of the informant.
2.	Bindeshwari Das @ Bindeshwari Paswan,	PW2	Witness,



3.	Soni Kumari	PW3	Informant,
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Signature of complainant on the complaint petition has been marked as exhibit 1.

7. In support of his case defence has neither produced any oral or documentary evidence.

8. PW1 Gaurav Kumar Paswan(Husband of the informant) & PW2 Bindeshwari Das alias Bindeshwari Paswan have not supported the case of prosecution and declared hostile at the request of learned APP Munger.

9. PW 3 Soni Kumari(Informant) in her examination in chief has stated that she is the informant of this case. On 11.04.2017 at about 9 pm this occurrence has taken place. Subham Kumar, Amarjeet Raushan, Rahul Kumar, Manjeet Kumar, Dharmendra Paswan and Pritam Priya quarreled with her and they snatched her chain. Regarding this occurrence she filed a complaint case in the court of Chief Judicial Magistrate which was forwarded to the police station for registration of the F.I.R. This witness has identified his signature on the complaint petition which is marked as exhibit 1. In her cross examination she has stated that accused persons are her Gotia, all are living in the same house. Quarrel was occurred due to land dispute. During this her chain was missing, later on she found his chain. No one had tried to make pressure on her. She was not injured. No one had tried to outrage her modesty. She is giving her testimony with her own will.

In support of his case prosecution has produced altogether three witnesses, out of which PW1 Gaurav Kumar Paswan(husband of the informant) and PW2 Bindeshwari Das alias Bindeshwari Paswan have not supported the case of prosecution and declared hostile at the request of learned APO, Munger. PW3 Soni Kumari who is sole victim as well as informant of this case in her examination in chief has supported the case of the prosecution to the extent only that all the accused persons quarreled with her and they took her chain, but in her cross examination she has stated that due to land dispute quarrel was occurred and during this her chain fell, later on she



found her chain. She was not injured and no one tried to outrage her modesty. Thus there is nothing on the case record to prove the guilt of accused persons.

Under facts and circumstances discussed above I am of the opinion that prosecution has been miserably failed to prove the charge framed against the accused persons namely Pritam Priya, Shubham Sandhu, Manjeet Kumar, Amarjeet Roushan, Rahul Kumar and Dharmendra Paswan beyond all reasonable and probable shadow of doubts. Hence accused persons namely Pritam Priya, Shubham Sandhu, Manjeet Kumar, Amarjeet Roushan, Rahul Kumar and Dharmendra Paswan are hereby acquitted of the charge of offence punishable u/s 189,323,380,354,448,504,307/34. They are also discharged from the debilitates of their respective bail bond.

Judgment is delivered today in open court which is in five pages attached with the case record.

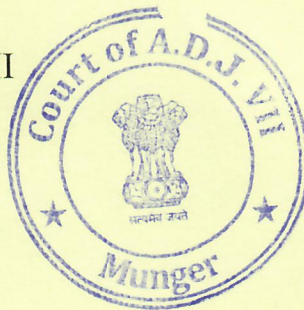
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Bipin Bihari Rai
Bipin Bihari Rai

Addl. Sessions Judge VII

Munger

13.04.2022.



Bipin Bihari Rai
Bipin Bihari Rai, .

Addl. Sessions Judge VII

Munger.

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In the light of Letter No. 25540-25576/AD/Rules, Dated 05/05/2015 of the Hon'ble High Court of Judicature At Patna.

Evidence adduced by the Prosecution:-

Oral Evidence:-

PW1- PW1 Gaurav Kumar Paswan(husband of the informant)

PW2 - Bindeshwari Das alias Bindeshwari Paswan Suresh Prasad.

PW2 - Sony Kumari(Informant).

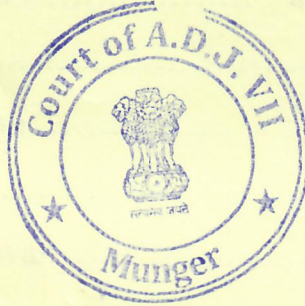
Documentary Evidence:-

1. Signature of informant on the complaint petition.....Exhibit 1.

Evidence adduced by the Defence:-

Oral Evidence:- NIL.

Documentary Evidence:- NIL.



Bipin Bihari Rai
Bipin Bihari Rai, .

Addl. Sessions Judge VII

Munger.

13.04.2022..