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Court of Addl. Sessions Judge-I, Munger

Present-Amit Ranjan Upadhyay, Addl. Sessions Judge-I, Munger.
State (Umesh Prsad Yadav) Vs Rahul Kumar @ Bhopu and Others
C.I.S / Sessions Trial No. Session Case 105/2026
Kotwali P.S. Case No. 434 of 2021
DATE OF JUDGMENT: - 15th day of April 2026

Court of Addl. Sessions Judge-I, Munger

P R E S E N T: **Amit Ranjan Upadhyay,**
 Addl. Sessions Judge-I
 Munger.

[Kotwali P.S. Case No. 434 of 2021]
C.I.S No. / Sessions Trial No.- Session Case No. 105/2026
DATE OF JUDGMENT: - 15th day of April 2026
State (Umesh Prasad Yadav) Vs Rahul Kumar @ Bhopu and Others

INFORMANT	Umesh Prasad Yadav, s/o Late. Hito Prasad Yadav, r/o – Shyampur, P.S. Kotwali, District Munger.
REPRESENTED BY	Ld. Pranav Kumar (Additional Public Prosecutor)
ACCUSED PERSON	1. Chandan Saw , Age 29 yrs. S/o Late Om Prakash Saw, At- Shyampur, P.S. Kotwali (Basudeopur), District - Munger. 2. Rahul Kumar @ Bhopu Age 26 yrs. S/o Late Om Prakash Saw, At- Shyampur, P.S. Kotwali (Basudeopur), District – Munger. 3. Ravi Raj Age 20 yrs. S/o Bablu Saw, At- Shyampur, P.S. Kotwali (Basudeopur), District – Munger. 4. Rajan Kumar Age 24 yrs. S/o Late Om Prakash Saw, At- Shyampur, P.S. Kotwali (Basudeopur), District – Munger.
REPRESENTED BY	Uma Shankar Mishra Ld. Defence Counsel.

Date of offence	21.09.2021
Date of FIR	21.09.2021
Date of Charge sheet	30.11.2022
Date of Framing of Charges	07.03.2026
Date of commencement of Evidence	10.03.2026
Date on which judgment is reserved	15.04.2026
Date of the Judgment	15.04.2026
Date of the Sentencing order, if any	N.A

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DATE OF JUDGMENT: - 15th day of April 2026

Accused Details:

Rank of the Accused	Name of the Accused person	Date of Arrest/ Surrender	Date of Release on Bail	Offenses Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of section 428 Cr.P.C.
1.	Chandan Saw	16.08.2022	16.08.2022	341, 323, 307, 379, 354(B), 504, 506/34 of I.P.C.	Acquitted	N.A	N.A
2.	Rahul Kumar @ Bhopu	16.08.2022	16.08.2022	341, 323, 307, 379, 354(B), 504, 506/34 of I.P.C.	Acquitted	N.A	N.A
3.	Ravi Raj	03.03.2022	03.03.2022	341, 323, 307, 379, 354(B), 504, 506/34 of I.P.C.	Acquitted	N.A	N.A
4.	Rajan Kumar	03.03.2022	03.03.2022	341, 323, 307, 379, 354(B), 504, 506/34 of I.P.C.	Acquitted	N.A	N.A

J U D G M E N T

1. In this case four accused persons namely (1) Chandan Saw (2) Rahul Kumar @ Bhopu (3) Ravi Raj (4) Rajan Kumar stand charged U/sections 341, 323, 307, 379, 354(B), 504, 506/34 of I.P.C. and faced the trial.
2. The case of prosecution in short, is that on 21.09.2021 at about 08.00 p.m the informant was at his house at the time Rahul Kumar @ Bhopu, Rajan Kumar, Chandan Sao, Ravi Raj, Gopal Sao, Vishal Kumar and 4-5 unknown miscreants being armed with weapons arrived there and abused the informant, when the informant objected then Rahul Kumar @ Bhopu assaulted with iron rod on the head of the informant. The informant received head injury and fell down. When the informant fell down then Rajan Kumar, Ravi Raj and Gopal Sao assaulted with Lathi and

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Danda. When Indu Kumari came to rescue she was assaulted by Chandan Sao. From perusal of the record it is also clear that there is counter version of this case. From perusal of the injury report of injured Umesh Prasad, informant, has received lacerated wound over middle of scalp and informant is referred for C.T. Scan of Brain. These petitioners are not having allegation of assaulting the informant on skull rather the allegation against these petitioners is that they have assaulted the informant when he fell down, with Lathi – Danda.

3. After completion of the investigation, the investigating officer has submitted charge sheet **Vide Charge-sheet No. 702/2022 dt. 30.11.2022 U/section 341, 323, 307, 354(B), 504, 506/34 of I.P.C** and on that basis, cognizance of offence has been taken u/s 341, 323, 307, 379, 354(B), 504, 506, 34 on 19.12.2024 against the accused persons namely **(1) Chandan Saw (2) Rahul Kumar @ Bhopu (3) Ravi Raj (4) Rajan Kumar**.
4. The case of the defense is total denial of the occurrence. Ld. Defence Counsel has submitted that the accused persons have falsely been implicated in this case due to village politics.
5. On **07.03.2026** the charge has been framed **U/sections 341, 323, 307, 379, 354(B), 504, 506/34 of I.P.C.** and explained in Hindi to the accused persons namely **(1) Chandan Saw (2) Rahul Kumar @ Bhopu (3) Ravi Raj (4) Rajan Kumar** who pleaded not guilty and claimed to be Tried.
6. On **14.04.2026**, prosecution evidence has been closed and the record was fixed for recording of statement of the accused persons U/s 313 of the Cr.P.C. Thereafter, **on 15.04.2026** the statement of the accused persons U/s 313 were recorded in which they again denied all the allegations against them.

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7. *Now, the main point for adjudication in this case is that whether the prosecution has been able to prove its case against the accused persons beyond the shadow of all reasonable doubt or not ?*

8.(A) In this case, prosecution has examined Five witnesses in this case -

Sl. No.	Witness No.	Witness Name	Witness Nature
1.	P.W-1	Ravindra Prasad Yadav	Other witness
2.	P.W-2	Girdhar Prasad Yadav	Other witness
3.	P.W-3	Jai Kishor Kumar	Other witness
4.	P.W-4	Kumari Indu	Other witness
5.	P.W-5	Umesh Prasad	Informant

(B) In this case, Defence has examined no any witness in this case -

Sl. No.	Witness No.	Witness Name	Witness Nature
N.A	N.A	N.A	N.A

9. In this case, prosecution has produced two documentary evidences.

LIST OF DOCUMENT EXHIBITED:

Sr. No.	Exhibit No.	Description Of Exhibit
N.A	N.A	N.A

10. No any oral or documentary Evidence produced on behalf of defense side.

11. The prosecution has examined Five witnesses in this case. In course of adjudication, I would like to discuss the evidences adduced by the prosecution one by one. Out of five witnesses

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PW-1, PW2 PW-3 and PW-4 has not fully supported the case of prosecution and they were declared hostile by this court on the request of Ld. A.P.P. PW-5 who is informant of this case and has stated that incident has taken place on 21.09.2021 in which there was little altercation has been taken place between both sides and no one has assaulted him and he was failed down. He has also identified his signature on written petition. He has further identified accused Kundan, Rajan and Bhopu who were present in the Court but at the same time failed to identify Ravi Kumar @ Ravi Raj. He has also stated to identify them due to co-villager and has also admitted to compromise with all accused persons voluntarily without any fear or pressure and also does not want to contest it in future.

Apart from these three witness, prosecution has failed to produce other material witnesses including Doctor and I.O. Due to absence of I.O, written petition, formal F.I.R, Charg-sheet as well as place of occurrence has not been proved and marked as Exhibit. In the same way, due to absence of Doctor, injury report has also not been proved and marked as Exhibit. All produced witnesses including informant cum victim has not supported the case of prosecution and has also not stated anything regarding act of assault reason best known to prosecution. A compromise petition dated 25.02.2026 is also available on case record which shows that both sides have voluntarily setteled this case out of Court and this might be the reason behind hostility of all private witnesses before Court which makes prosecution case doubtful. In this way, prosecution has failed to prove the charges leveled against accused person beyond the shadow of reasonable doubt and it is well setteled principle of law that benefit of doubt always goes in favour of accused person.

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12. Accordingly, it is therefore,

Ordered

I found and held accused persons namely (1) **Chandan Saw** (2) **Rahul Kumar @ Bhopu** (3) **Ravi Raj** (4) **Rajan Kumar** not guilty U/sections 341, 323, 307, 379, 354(B), 504, 506/34 of **I.P.C.** giving them benefit of doubt and they are acquitted from this case. They are set at liberty forthwith. Accordingly, their respective bailors are ordered to be discharged from the liabilities of their respective bail bonds.

Dictated & Corrected by me and pronounced in open court in Presence of both side signed and sealed on 15 day of April 2026.

(Amit Ranjan Upadhyay)
Addl. Sessions Judge- I
Munger
15.04.2026

(Amit Ranjan Upadhyay)
Addl. Sessions Judge - I
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15.04.2026

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4.	Rajan Kumar	03.03.2022	03.03.2022	341, 323, 307, 379, 354(B), 504, 506/34 of I.P.C.	Acquitted	N.A	N.A

Appendix

Form C

List of Prosecution/Defence/Court witnesses (A) Prosecution

Sl. No.	Witness No.	Witness Name	Witness Nature
1.	P.W-1	Ravindra Prasad Yadav	Other witness
2.	P.W-2	Girdhar Prasad Yadav	Other witness
3.	P.W-3	Jai Kishor Kumar	Other witness
4.	P.W-4	Kumari Indu	Other witness
5.	P.W-5	Umesh Prasad	Informant

(B) Defence witness, if any.....Nil.

Sl. No.	Witness No.	Witness Name	Witness Nature
N.A	N.A	N.A	N.A

(C). Court Witnesses.....Nil

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LIST OF Prosecution/Defence/Court Exhibits

(A) Prosecution

Sr. No.	Exhibit No.	Description Of Exhibit
N.A	N.A	N.A

(B) DefenceNil

(C) Court Exhibits.....Nil

(D) Material ObjectsNil.

(Amit Ranjan Upadhyay)
Addl. Sessions Judge- I
Munger
15.04.2026

Date of Judgment / Order	15.04.2026
Date of Reserving Judgment / Order	15.04.2026
Uploading Date	
Uploaded By	Rahul Raj (Court Reader cum Deposition Writer)