

Court of Addl. Sessions Judge-I Munger

Present-Amit Ranjan Upadhyay, Addl. Sessions Judge-I, Munger.
State (Manohar Singh) Vs Parmanand Singh and Others
Sessions Trial Case No. 142 of 2019
C.I.S. No. 142 of 2019
Tarapur P.S. Case No. 01 of 2019
DATE OF JUDGMENT: - 06th day of June, 2026

Court of Addl. Sessions Judge-I Munger

DISTRICT : - MUNGER (BIHAR)

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

Sessions Trial Case No. 142 of 2019

Tarapur P.S. Case No. 01 of 2019

C.I.S. No. 142 of 2019

DATE OF JUDGMENT: - 06th June, 2026

State (Manohar Singh) Vs Parmanand Singh and Others

INFORMANT	Manohar Singh , s/o- Mandal Prasad Singh. r/o- Fajeliganj,P.S. Tarapur, District-Munger, Bihar.
REPRESENTED BY	Sri Abhay Kumar (Ld. Additional Public Prosecutor)
ACCUSED PERSONS	1. Parmanand Singh , Age 68yrs. s/o Kesho Madar, r/o Muskipur, P.S. Tarapur, District – Munger, Bihar. 2. Ranju Devi w/o Parmanand Singh, Age 60yrs., r/o- Muskipur, P.S. Tarapur, District – Munger, Bihar. 3. Nitu Kumari d/o Parmanand Singh, Age 25 years, r/o- Muskipur, P.S. Tarapur, District – Munger, Bihar.
REPRESENTED BY	Sri Satish Prasad Yadav and Others (Ld. Defence Counsels)

Date of offence	30.12.2018
Date of FIR	02.01.2019
Date of Framing of Charges	27.06.2019
Date of commencement of Evidence	24.07.2019
Date on which judgment is reserved	21.05.2026
Date of the Judgment	06.06.2026
Date of the Sentencing order, if any	11.06.2026

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Accused Details:

Rank of the Accused	Name of the Accused persons	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.	Parmanand Singh	04.01.2019	26.10.2019	Under Section 302/34 of IPC	Convicted	I. Rigorous imprisonment for Five (05) years and rupees Ten Thousand (Rs. 10,000) as fine under section 304 part-2 of IPC, in case of default of fine, convict shall under go simple imprisonment for three (03) months additional.	Jail custody under gone by convict shall be set off against sentenced imposed.
2.	Ranju Devi	04.01.2019	23.04.2019	Under Section 302/34 of IPC	Acquitted	NA	NA
3.	Nitu Kumari	04.01.2019	23.04.2019	Under Section 302/34 of IPC	Acquitted	NA	NA

J U D G M E N T

- 01.** This case has been lodged as FIR by the Informant namely Manohar Singh against the accused persons namely, **(1) Parmanand Singh** s/o Keshu Madar **(2) Shailendra Singh** s/o Parmanand Singh **(3) Ranju Devi** w/o Parmanand Singh **(4) Nitu Kumari** d/o Parmanand Singh and **(5) Sujnita Kumar** Under Section 302/34 of IPC **in connection Tarapur P.S. Case No. 01 of 2019** on 02.01.2019. The concerned Investigating Officer has filed Charge-sheet against three accused persons namely Parmanand Singh, Ranju Devi and Nitu Kumari **under Sections** 302/34 of IPC on 01.04.2019 and kept invesgtigation pending rest accused persons. The cognizance has taken against charge-sheeted accused persons by Court concerned on 02.04.2019 in same Section and case was committed to Court of Sessions on 20.05.2019 and finally transferred to this Court for trial.
- 02.** The case of prosecution in brief as made out from Fardbayan of Informant Manohar Singh which was recorded by ASI Md. Mozzam Ali at Sparsh

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Heritage Hospital, P.S. Jakkanpur, District Patna at 08:00 AM dated 02.01.2019 is that on 30.12.2018, all accused persons namely Parmanand Singh, Shailjanand Singh, Ranju Devi has come to his house and started to abuse him and has also assault him with spade on his head which resulted into his serious head injuries and they have brought him to Sparsh Heritage Hospital, Patna for better treatement. He has further stated that during treatement his brother namely Deevakar Kumar Singh aged about 26 years declared dead by doctor on 02.01.2019. He has further claimed that accused persons namely Parmanand Singh, Shailjanand Singh, Ranju Devi, Nitu Kumari and Sujnita Kumar have made assault with a view to kill him and his brother died.

- 03.** 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.
- 04.** On **27.06.2019** the charge has been framed Under Section 302/34 of IPC and explained in Hindi to the accused persons namely **(1) Parmanand Singh (2) Ranju Devi** and **(3) Nitu Kumari** who have pleaded not guilty and claimed to be Tried.
- 05.** On 27.06.2025 prosecution evidence has been closed and the record was fixed for recording of statement of the accused U/s 313 of the Cr.P.C. Thereafter, **on 09.07.2025** the statements of the accused person U/s 313 were recorded in which they denied the allegations and claimed to be tried.
- 06.** *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 ?*

FINDING

- 07.** In this case, prosecution has examined nine (09) witnesses in this case -

Sl. No.	Witness No.	Witness Name	Witness Nature
1.	PW-1	Soni Devi	Other witness (wife of deceased)
2.	PW-2	Manohar Singh	Informant
3.	PW-3	Vijay Manjhi	Other witness
4.	PW-4	Gorelal Manjhi	Other witness
5.	PW-5	Pappu Manjhi	Other witness

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6.	PW-6	Dr. Dharmendra Kumar	Doctor
7.	PW-7	Amrendra Kumar	Second I.O.
8.	PW-8	Mangal Singh	Other witness (Father of deceased)
9.	PW-9	Jitendra Kumar	First I.O.

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

Sl. No.	Witness No.	Witness Name	Witness Nature
1.	NA	NA	NA
2.	NA	NA	NA

08. In this case, prosecution has produced one material and twenty six documentary evidences.

LIST OF DOCUMENT EXHIBITED:

Sr. No.	Exhibit No.	Description Of Exhibit
1.	Ext.P-1	Signature of Informant on Fardbayan
2.	Ext.P-1/1	Singnature of Rajeev Kumar on Fardbayan
3.	ExtP-2	PM report
4.	Ext.P-3	Formal FIR
5.	Ext.P-4	Forwarding on Fardbayan
6.	Ext.P-5	Seizure list

09. No oral and documentary Evidence produced on behalf of defense side.

10. The prosecution has examined nine (09) witnesses in this case. In course of adjudication, I would like to discuss the evidences adduced by the prosecution.
PW-1 Soni Devi who is wife of deceased and she deposed that the deceased was her husband. According to her, on 30.12.2018 at about 6:00 A.M., accused Parmanand Singh, Shailjanand Kumar, Manju Devi (wife of Parmanand Singh), Sushmita Kumari and Neetu Kumari came to the disputed land and started fixing a stake therein. At that time, she and her husband were present at their house. On hearing the accused persons abusing and shouting, both of them proceeded to the land and objected to the act of fixing the stake. Thereupon, accused Parmanand Singh allegedly assaulted her husband on the head with the reverse side of a spade (patasa). When she intervened, Manju Devi, Sushmita Kumari, Shailjanand Kumar and Neetu Kumari allegedly assaulted her by fists

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and blows, causing her to fall down. She further stated that her husband also fell to the ground in an unconscious condition and sustained a head injury with profuse bleeding. She further deposed that local persons assembled at the place of occurrence and took her husband to Tarapur Hospital for treatment. From there, he was referred to Mayaganj Hospital, Bhagalpur, and subsequently to Patna owing to his serious condition. He was admitted in Sparsh Heritage Hospital, Patna, where he succumbed to his injuries during treatment on 02.01.2019 at about 5:00 A.M. She asserted that her husband died as a consequence of the injury inflicted by accused Parmanand Singh with the reverse side of the spade. The witness identified accused Parmanand Singh in Court as the person who had assaulted her husband. She also identified Manju Devi and Neetu Kumari, who were present in Court. In cross-examination, PW-1 stated that she was not originally a resident of the village and was residing in a house constructed on purchased land at Tarapur Fazeliganj Musahari. She stated that the land had been purchased by her father-in-law and she was unaware of the name of the vendor. She further stated that she had been residing there for about six to seven years. She admitted that the house of accused Parmanand Singh was situated to the west of her house and that he had been residing there since the construction of her house. She also stated that Parmanand Singh had purchased two kathas of land through a registered deed, though she did not know the exact year of such purchase. The witness stated that she had instituted the case at the police station and had signed her statement, on the basis of which the police submitted charge-sheet against the accused persons. She stated that the disputed land was the private property of her husband. PW-1 further stated that the accused persons belonged to their agnatic family. She disclosed that her husband had three brothers, namely Ashok Kumar Singh, Diwakar Kumar Singh and Manohar Kumar Singh. She admitted that none of her husband's brothers lodged any report regarding the occurrence. She stated that she could not furnish the plot number or khata particulars of the disputed land, though documents relating to the land had been filed before the Court. She reiterated that the land had been purchased by her father-in-law and not by her husband. She denied the defence suggestion that the disputed land was joint family property in which the accused persons had a share and that their share had been excluded through intervention of village Panchas. The witness stated that at the time of occurrence, Manju Devi, Sushmita Kumari and Neetu Kumari were fixing a stake on the disputed land and her husband objected to the same. She further

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stated that her father-in-law was not residing there. Describing the surroundings of her house, she stated that to the north was the house of her brother-in-law Manohar Kumar Singh, to the east was a road beyond which stood the house of Lado Das, to the west was the house of Parmanand Singh, and to the south was vacant land, the ownership of which she did not know. She stated that no dispute existed regarding any land other than the land on which she resided. She further deposed that the stake was fixed in the courtyard of her house. Her house consisted of one room, bounded by walls on the eastern and southern sides and open towards the northern and western sides. She reiterated that she had been residing there for six to seven years. PW-1 stated that at the time of the incident she was present in the house along with her children and that no other adult family member was present. Several persons had assembled at the place of occurrence, but she could identify only Lado Das among them. She admitted that Lado Das had not been cited as a witness in the case. She stated that the police arrived at the place of occurrence after the incident. However, she could not say whether the police seized blood-stained soil or the spade from the place of occurrence, as she was then at the hospital. The witness stated that after the occurrence she went to the hospital and not to the police station. Her husband remained under treatment for about four days and remained unconscious throughout that period. She further stated that her statement was first recorded at Tarapur and thereafter again at Sparsh Heritage Hospital, where her husband eventually died. She admitted that accused Parmanand Singh had purchased two kathas of land adjoining her land. She also stated that a government surveyor had measured the land of Parmanand Singh and thereafter a stake had been fixed on his land. Finally, she denied the defence suggestion that no occurrence had taken place or that her husband had not been assaulted with the reverse side of a spade. She also denied the suggestion that her husband had sustained injuries by falling down and that accused Parmanand Singh had been falsely implicated due to a pre-existing land dispute. She further denied that she had deposed falsely before the Court. **PW-2 Manohar Singh** who is Informant-cum-brother of deceased in this case and he deposed that the occurrence took place on 30.12.2018 at about 6:00 A.M. He stated that there was a dispute regarding land and that his brother was assaulted in connection with the said dispute. At the relevant time, he was present in his village. Upon receiving information regarding the occurrence, he went to Tarapur Hospital where he found his brother under treatment. According to him, his brother's head had been

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bandaged and his eyes were closed. He further stated that he subsequently came to know that accused Parmanand Singh, Shailjanand Kumar, Maju Devi and Neetu Kumari had jointly assaulted his brother and that he was informed that a spade had been used in the assault. The witness further stated that his statement was recorded by the police. He identified his signature on the statement and also identified the signature of witness Rajiv Kumar thereon which were marked as Ext.-1 and Ext.-1/1 respectively. PW-2 identified accused Parmanand Singh, Maju Devi and Neetu Kumari present in Court and stated that he could identify the remaining accused persons upon seeing them. In cross-examination, PW-2 stated that his residence was situated at a distance of about nine kilometres from Muskipur Mushhari Tola and that the occurrence had taken place at Fazeliganj Mushhari. He stated that he resided with his wife, two brothers, parents and children at Muskipur. He deposed that between 6:00 A.M. and 6:30 A.M. on the date of occurrence, he received a mobile phone call from his sister-in-law, Soni Devi, informing him about the incident, although he could not recall her mobile number. He admitted that he possessed a mobile phone registered in his own name. According to the witness, after receiving information that his brother had been assaulted, he first went to Fazeliganj and thereafter proceeded to Tarapur Hospital. He found his mother present there. He stated that he was unable to say whether his brother was conscious at that time. He admitted that he did not report the incident at Tarapur Police Station. PW-2 further stated that from Tarapur Hospital, his brother was taken to Mayaganj Hospital, Bhagalpur. He stated that his brother did not receive treatment there and that he did not make any statement to the police at that place. He admitted that although the route from Tarapur to Mayaganj Hospital passed through the jurisdictions of Sultanganj, Nathnagar and Bhagalpur Police Stations, he did not lodge any report at any of those police stations. The witness further deposed that his brother was subsequently referred to Patna and was taken there by ambulance. He stated that he did not know whether his brother was alive when he was being transported to Patna. He further stated that while travelling to Patna, he did not lodge any report at any police station. He remained with his brother throughout the journey. According to PW-2, they reached Patna on the night of 30.12.2018. He stated that his brother was admitted to Sparsh Hospital and not to Sadar Hospital, Patna. He denied the suggestion that his brother had sustained injuries elsewhere and was therefore not admitted to Sadar Hospital. The witness candidly admitted that he had not witnessed the occurrence and that whatever he

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had deposed regarding the assault was based upon information received from others. He stated that his brother remained under treatment at Sparsh Hospital for about three days and during that period he did not make any statement to the police. PW-2 further deposed that after the death of his brother at Sparsh Hospital, he gave a statement to the police. At that time, according to him, neither his sister-in-law nor his brother was present. He also stated that the police prepared the inquest report of the deceased and obtained his signature thereon. The witness stated that in his statement recorded at Patna he had stated that the accused persons had killed his brother by assaulting him with a spade. He clarified that such information had been supplied to him by his sister-in-law, who had informed him that then deceased was assaulted with the reverse side of a spade. He further stated that during the period of treatment, his brother was not in a condition to speak. PW-2 admitted that the statement recorded at Patna was not in his handwriting. He further stated that the deceased died on 02.01.2019 at Sparsh Hospital. He also stated that no case had been registered anywhere except at the place where his statement was recorded by the police at Patna. The witness deposed that he had seen blood at the place of occurrence, though he was unable to state the extent or area over which it had spread. He further stated that his statement was again recorded by the Investigating Officer on 02.01.2019. In that statement, he had mentioned the presence of blood at the place of occurrence, but had not stated that the spade was stained with blood. PW-2 admitted that he did not know from whom or in which year the land at Fazeliganj Mushhari had been purchased. He further stated that he was unaware of the khata number, plot number, area or other particulars of the disputed land. Describing the location of the place of occurrence, he stated that towards the north was his house; towards the south, beyond the boundary wall, stood a house whose owner he did not know; towards the east was the house of his brother Diwakar Singh and beyond it a field, the ownership of which he did not know; and towards the west was the house of accused Parmanand Singh along with vacant land. He admitted that he did not know whether Parmanand Singh had been fixing the stake on his own land or on the land belonging to a Mushahar. He also stated that he could not say for how many years his brother Diwakar Singh had been residing with his wife at Fazeliganj. According to him, Diwakar Singh had two sons and one daughter who resided there, but none of them had ever narrated the occurrence to him. The witness denied the defence suggestion that the wife of the deceased was quarrelsome in nature, that she had

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been residing separately from the family, that she had falsely claimed ownership over the land of Parmanand Singh, and that the accused persons had been falsely implicated after the deceased sustained injuries elsewhere. He further denied the suggestion that accused Parmanand Singh, his wife and daughter had not assaulted the deceased and had been falsely implicated due to a land dispute. He also denied the suggestion that he had deposed falsely at the instance of his sister-in-law. Finally, PW-2 stated that he had known accused Parmanand Singh, his wife and daughter since childhood. PW-3, Vijay Manjhi who stated that he had no knowledge regarding the occurrence in question. He further deposed that the police had never recorded his statement during the course of investigation. At the request of the prosecution, the witness was declared hostile and was cross-examined by the learned Assistant Public Prosecutor. During such cross-examination, PW-3 denied having made any statement before the police to the effect that on 30.12.2018 a quarrel had taken place between Diwakar Kumar Singh on one side and accused Parmanand Singh, Ranju Devi and Neetu Kumari on the other over a land dispute. He specifically denied having stated before the police that during the altercation accused Parmanand Singh had assaulted Diwakar Kumar Singh on the forehead with a spade, causing a fracture injury, and that the injured was initially taken to Tarapur Hospital and subsequently referred elsewhere for treatment, where he ultimately died on 02.01.2019. The witness further denied the suggestion that he was suppressing the truth and deposing falsely in Court after having been won over by the accused persons. PW-3 identified the accused persons present in Court. In cross-examination by the learned defence counsel, PW-3 stated that he had appeared before the Court in pursuance of the summons/notices issued to him for giving evidence. He further stated that the testimony given by him before the Court was true and correct. The witness also stated that till the date of his deposition he had no knowledge as to where and under what circumstances Diwakar Singh had died. P.W.-4, Gorelal Manjhi in Examination-in-Chief by Sri Raja Ram Yadav, Learned A.P.P. for the State. The witness deposed that he had no knowledge regarding the occurrence in question. He further stated that the police had never recorded his statement during the course of investigation. At the request of the prosecution, the witness was declared hostile and was cross-examined by the Learned A.P.P. During such cross-examination, the witness denied having made any statement before the police to the effect that on 30.12.2018 a dispute had arisen between Diwakar Kumar Singh and Parmanand

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Singh concerning a piece of land; that during the altercation Parmanand Singh assaulted Diwakar Kumar Singh on his head with a spade causing injuries; that the injured was taken to Tarapur Hospital for treatment and was thereafter referred elsewhere; and that he ultimately died during treatment at Patna. The witness further denied the suggestion that he had deposed falsely in Court at the instance of the accused persons. The witness identified the accused persons present in Court, stating that he knew them. Cross-Examination by Sri Krishnandan Singh, Learned Defence Counsel for the Accused The witness stated that he was deposing voluntarily and without any fear, pressure, or influence. He further stated that the accused persons, including Parmanand Singh, were residents of his village and that he knew them for that reason. The witness stated that Parmanand Singh and his family members were good persons and not quarrelsome in nature. He further deposed that till date he had not received any information as to where, when, or under what circumstances Diwakar Singh had died. Deposition of P.W. 5, Pappu Manjhi in Examination-in-Chief by Sri Raja Ram Yadav, Learned A.P.P. for the State. The witness deposed that he did not know whether any of his ancestors had their residence at Fazeliganj. He further stated that Vanshipur and Fazeliganj are situated near each other. The witness stated that he had no knowledge regarding the occurrence and that the police had never interrogated him in connection with the case. At the request of the prosecution, the witness was declared hostile and was cross-examined by the Learned A.P.P. During such cross-examination, the witness denied having made any statement before the police to the effect that on 30.12.2018, a quarrel involving abuses and assault had taken place between the deceased, Diwakar Kumar Singh, and the family of his neighbour, Parmanand Singh, over a land dispute; that during the said occurrence, Parmanand Singh had assaulted Diwakar Kumar Singh on the head with a spade, causing him to fall down injured; that the injured was taken to the Sub-Divisional Hospital, Tarapur, for treatment and was subsequently referred to a higher medical centre; and that he ultimately died during treatment on 02.01.2019. The witness refused to identify the accused persons present in Court. The witness further denied the suggestion that he had come under the influence of the accused persons, had suppressed the truth, had deposed falsely before the Court, or had intentionally refused to identify the accused persons. Cross-Examination by Sri Krishnanandan Singh, Learned Defence Counsel for the Accused Persons. The witness stated that he had appeared before the Court in compliance with the

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summons/notice issued by the Court. He further stated that he was deposing voluntarily and without any fear, pressure, or coercion. The witness deposed that it takes approximately ten minutes to travel from Vanshipur to Fazeliganj. He further stated that till date he had neither met the police in connection with the present case nor given any statement regarding the same. Lastly, the witness deposed that till date he had not been able to ascertain how Diwakar Singh had died. **PW-6, Dr. Dharmendra Kumar** in Examination-in-chief by the Ld. A.P.P. Sri Raja Ram Yadav on behalf of the State. He stated that On dated 02.01.2019 I was posted at in F.M.T. department P.M.C.H, Patna as a tutor and on that day I conducted P.M. examination at 2.30 P.M. on the dead body of Diwakar Kumar Singh aged 26 years, Male S/o Sri Mangal Prasad Singh r/o Fajeliganj, P.S. Tarapur District Munger. The dead body identified by B.H.G 231 Pramod Kumar. Dead body brought from Sparsh Hospital, Patna I.C.U. bed No. 3.

2. External appearance of body.

(I) Eye closed, mouth partially open, chest electrode present, head bandaged, average built, rigor mortis present over the body.

3. External and Internal of P.M. examination.

(I) Abdomen: - Stomach brown colour fluid approx 100 ml, all abdominal organ congested, bladder-empty, rectum-empty.

(ii) Chest :- By lateral lungs congested, heart, right chamber, little blood, left chamber empty.

(iii) Head:- (a) There was metallic stitch wound "U" shaped 25 cm in length present over left front temporal parital scalp and right temporo parital scalp with 1 end 1.5 cm above right ear and another end 3 cm above left ear and mid point 12 cm above glabella.

(b) 5 cm long metallic stitch wound 'L' shaped present over right perital scalp, 3 cm to mid line and 7 cm above right eyebrow. There was tryphind wound of size 7 cm x 7 cm involving left frontal bone with corresponding bone placed in situ with extra dural blood clots under neeth. There was communnited fracture 14 cm x 13 cm of size involving left fronto temporo perital bone contusion of brain with presence of sub-dural blood and blood clot both side of brain. There was two drannage tube coming out the crenial cavity 1 is each side.

4. Opinion:-(i) death was due to crenio cerebral damage consequent upon head injury caused by hard and blunt force impact.

(ii) Time since death :- Within 24 hour approx prier to P.M. examination.

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5. This P.M. examination report was prepared by me and bears my handwriting and signature which was marked as Exhibit-2.

Cross examination by the Ld. Defence Counsel Sri Krishnanandan Singh on behalf of all the accused persons.

6. I was not aware about deceased Diwakar Prasad Singh, his family persons earlier.

7. I have not seen the treatment report of deceased Diwakar Prasad Singh of Sparsh Hospital, Patna.

8. I am unable to say about treatment given to the deceased by Sparsh Hospital, Patna.

9. I was not aware about B.H.G. 231 Pramod Kumar earlier from this P.M. examination.

10. It is correct to say that P.S. case is not mentioned in the P.M. examination.

11. Inquest report is not enclosed with P.M. examination report.

12. I have mentioned the injuries in P.M. report which I found during examination of dead body.

13. I have mentioned in P.M. report that time elapse since death is within 24 hours it means death was occurred since after 2.30 P.M. on dated 01.01.2019.

14. At the time of performing the P.M. of deceased I have found his head is bandaged and metallic stitched.

15. It is incorrect to suggest that in case of suicidal death, left chamber of heart will be found empty. The left chamber of heart can be found empty in both homicidal and suicidal case.

16. It is correct that the left chamber of heart of deceased was empty.

17. I agree that spade edge is a sharp cutting weapon.

18. The injury caused by spade edge may be sharp cutting wound.

19. I can't say whether there was sharp cutting injury on head of the deceased. I have found during P.M. blood clot in sub-dural region of brain.

20. The blood clots found in the sub-dural region of brain may be caused by hard and blunt substance.

21. The blood clots in sub-dural region of brain can be due to fall on the concrete surface from a height.

22. All the stitches wounds are tryphind stitches.

23. This type of injury(wound 25 cm in length) can not be caused by hitting on the head from sharp cutting edge of spade.

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24. It is incorrect to suggest that I have prepared this P.M. examination report without seeing the dead body.

PW-7, Amrendra Kumar who is second I.O. in this case who stated that The witness deposed that on 30.12.2018 he was posted at Katoria Police Station, District Banka. The occurrence had taken place on 30.12.2018 and the case was instituted on 02.01.2019. On 07.02.2019, the then Officer-in-Charge, Shri Jitendra Kumar, entrusted him with the investigation of Tarapur P.S. Case No. 01 of 2019. After receiving the case, he perused the FIR and the case diary and found that the accused persons had already been arrested and remanded to judicial custody. During investigation, he obtained the FSL report from Patna and incorporated the same in the case diary. He recorded the statements of independent witnesses, namely Pappu Majhi, Gorelal Majhi and Vijay Majhi. Upon completion of investigation against three accused persons, he submitted Charge-sheet No. 18/2019 dated 31.03.2019 under the sections mentioned in the FIR. Investigation against the remaining accused persons was kept pending. In his cross-examination, the witness stated that he had submitted the charge-sheet without obtaining the approval order of the Superintendent of Police as the accused persons were in judicial custody and the statutory period for submission of charge-sheet was expiring. He admitted that before submitting the charge-sheet he had relied upon the FIR and statements of witnesses recorded during investigation. He stated that the informant was a resident of Muskipur and not Fazeliganj, the place of occurrence, and that the distance between the two villages was about eight kilometres. He expressed ignorance regarding any information having been given to Tarapur Police Station between 30.12.2018 and 02.01.2019 and stated that no such information was found in the case diary. The witness further stated that the statement of the informant had been recorded at Sparsh Heritage Hospital, Jakkanpur, Patna, by a police officer of Jakkanpur Police Station. He admitted that the statement of the informant was not recorded by him in the course of investigation. He inspected the place of occurrence on 14.02.2019, as mentioned in paragraph 33 of the case diary, and also visited Fazeliganj for conducting raids against the accused persons. He admitted that he had not investigated the question of ownership of the disputed land. The witness further stated that there was no material in the case diary to show that the injured Diwakar had regained consciousness after the occurrence. He admitted that during inspection of the place of occurrence he did not seize any blood-stained soil. Referring to paragraph 9 of the case diary, he stated that no blood

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stains were found on the seized spade. He denied the defence suggestion that Diwakar had been murdered by unknown criminals due to his own activities and that, owing to an existing land dispute, the accused persons had been falsely implicated in the case. He also denied the suggestion that the absence of blood stains at the place of occurrence and on the seized articles supported the defence version. The witness further denied the suggestion that he had conducted the investigation while sitting at the police station and had submitted the charge-sheet without the orders of his superior officer. **P.W. 8, Mangal Singh** who is father of deceased and he deposed that the occurrence had taken place about three years prior to his examination. At about 6:00 A.M., while he was present at his house, he saw accused Parmanand Singh @ Paro Singh assault his son with a spade on the forehead, causing him to fall down. He further stated that the wife, son and daughter of Parmanand Singh also participated in assaulting his son. According to the witness, the occurrence arose out of a dispute regarding cutting of a field. The injured was first taken to Tarapur Hospital, thereafter referred to Bhagalpur and subsequently to Patna for better treatment, where he succumbed to his injuries three days later. The witness identified accused Parmanand Singh in Court and stated that he had identified the other accused persons during the occurrence. In cross-examination, the witness stated that he was a resident of Muskipur village, situated about 8–10 kilometres from Fazeliganj. He stated that upon receiving information about the incident, he proceeded directly to Tarapur Hospital where he found his son unconscious. At the hospital, Radha Devi, mother of the deceased, and Rakesh Singh, son of the deceased, were present. He enquired from them about lodging of the case and was informed that the case had been instituted by Manohar Singh. He admitted that he himself had not lodged any case regarding the occurrence. The witness further stated that although the injured was taken to Patna for treatment, he did not accompany him. He learnt about the death of the deceased from his son Manohar after the latter returned from Patna. He initially stated that the police had not recorded his statement, but thereafter clarified that the police had questioned him about fifteen days after the occurrence. In that statement, he had disclosed that the injured had been referred to Mayaganj Hospital, Bhagalpur, for better treatment. The witness asserted that he was present when Parmanand Singh was cutting the disputed land and denied the suggestion that he was not present at the place of occurrence. He, however, admitted that in his statement before the police he had stated that he was at his house in Muskipur at the

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relevant time and, after receiving information, had gone to the Sub-Divisional Hospital where he found the deceased with a grievous head injury. The witness stated that he could not disclose the khata or khasra number of the disputed land. According to him, the land was situated at an equal distance of about ten khets from the houses of both Parmanand Singh and the deceased. He denied the defence suggestion that no dispute relating to cutting of the field had taken place and that Parmanand Singh had not assaulted his son. He also denied the suggestion that the deceased had been killed by members of the Scheduled Caste community due to his alleged misconduct with girls. The witness stated that he did not know the names of the wife and son of Parmanand Singh. He further stated that the spade used in the assault had been seized by the police and that blood was found on it. According to him, blood had also fallen within a radius of one hand at the place of occurrence and the blood-stained soil was seized by the police. The witness further stated that the deceased and Parmanand Singh were neighbours and that there had been no prior land dispute between them. He denied the defence suggestion that he had neither witnessed the occurrence nor had any knowledge about it and that he was deposing falsely before the Court in favour of his deceased son. **DW 9, Jitendra Kumar** who second I.O. in this case and he deposed that on 02.01.2019, while posted as the Station House Officer of Tarapur Police Station, he received by post a statement from Patna on the basis of which Tarapur P.S. Case No. 01 of 2019 dated 02.01.2019 under Section 302/34 IPC was instituted. The formal FIR was prepared in the handwriting of S.H.O. Sahendra Kumar and bore his signature, which was marked as exhibit-3 after his identification. The endorsement on the statement was in his handwriting and signature and was marked Exhibit-4 after his identification. He stated that he took up the investigation of the case, entered the statement and death review report of the deceased in the case diary, and thereafter proceeded to the village. At the residence of the deceased, he recorded the statements of the deceased's wife, Soni Devi, and father, Mangal Prasad Singh. On being pointed out by Soni Devi, he inspected the place of occurrence, which was described as a piece of fallow land situated between the houses of the deceased and the accused. According to the information received, a dispute had arisen when the accused allegedly attempted to forcibly plant a stake on the said land, during which the deceased sustained a head injury caused by a spade and subsequently died. The witness described the boundaries of the place of occurrence and stated that thereafter he conducted a raid at the house of the

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accused persons. Accused Parmanand Singh, Ranju Devi and Neetu Kumari were apprehended. During the search of the house of accused Parmanand Singh, a spade with a bamboo handle was recovered from a corner of the house. According to the witness, the accused disclosed that the said spade had been used in the commission of the murder. He prepared a seizure list in respect thereof, bearing his signature as well as the signatures/thumb impression of the witnesses and accused persons and the seizure list was marked as Exhibit-5. The witness further deposed that on 03.01.2019, the accused persons were taken out of the lock-up and their statements were recorded. As remand could not be obtained on that date due to delay in reaching the Court, they were again produced on 04.01.2019 and were remanded to judicial custody. Subsequently, upon his transfer on 07.02.2019, he handed over further investigation of the case to the then Officer-in-Charge, Amarendra Kumar. In cross-examination, the witness stated that he came to know of the occurrence on 02.01.2019 but could not recall the name of the informant. He admitted that the statement forming the basis of the case was not written by him. He further admitted that the inquest report had been received from Patna and was not prepared by any officer of Tarapur Police Station. The witness stated that he visited Fazeliganj Musahari and recorded the statement of Mangal Prasad Singh there, though he acknowledged that the case diary mentioned that the statement had been recorded at the latter's residence. He admitted that although he had made local inquiries regarding the disputed land, he had neither recorded the names of the persons examined nor mentioned such inquiry in the case diary. He further admitted that he had not recorded the statements of Manohar Singh and Chano Singh, whose lands formed part of the boundaries of the place of occurrence. He stated that the seizure list was prepared on 02.01.2019 at about 5:15 P.M. and admitted that the seizure list did not mention whether the recovered spade was bloodstained. He also admitted that he had not mentioned in the case diary whether any identifying mark was put on the seized spade. The witness further admitted that he had not recorded the statement of any independent witness during investigation. He stated that he learnt during investigation that the deceased had died at Sparsh Heritage Hospital, Patna. He also admitted that Soni Devi had not stated before him that the occurrence had taken place at 6:00 A.M. or that Parmanand Singh had struck the deceased on the head with the backside of a spade causing him to fall unconscious. The witness further admitted that he had not seized any blood or bloodstained soil from the place of

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occurrence. He denied the defence suggestion that the case had been registered on hearsay information and that innocent persons had been falsely implicated.

Argument

Ld. Defence Counsel during argument has stated that though prosecution has produced all together nine (09) witnesses before Court but all private witnesses are close relative to each other. So, they are interested witnesses and prosecution has failed to produce any independence witnesses before this Court and produced witnesses has not supported the case of prosecution and also declared hostile. So, these witnesses are not reliable and acceptable in view of the fact that they are interested witnesses and they are direct relatives of the deceased. Even there are major contradictions in the statements of all prosecution witnesses which makes prosecution case doubtful. Ld. Defense Counsel has also submitted written argument and has also relied upon several rullings of Hon'ble Supreme Court (Cri. L. J. 1992 Page 861 SC, Cri. L. J. 1993 page 1801 SC, Cri. L.J. 1993 page 150 S and Cri. L.J. 1993 page 1796 SC r/w AIR 1993 page 1462 SC) and has further submitted that oral testimonies of witnesses are not sufficient to prove case against accused persons beyond the shadow of reasonable doubts. In this way, the prosecution has failed to prove the charge leveled against accused persons beyond the shadow of reasonable doubt and accused persons deserve acquittal.

On the other hand, Ld. Prosecution counsel vehemently opposed the contentions of defence counsel and further stated that all prosecution witnesses except PWs 3 to 5 have fully supported the case of prosecution and has been cross examined at length by Ld. Defense Counsel but he has not been able to elicit any fact from the mouth of the witnesses either to impeach or discard their testimonies. The evidence of the aforesaid witnesses of the prosecution are worthy of acceptance and these witnesses includes Informant, her family members, doctor and I.O.s who have fully supported the case of prosecution. Even, oral testimonies of private witnesses were corroborated with medical evidence given by doctor. In this way, the prosecution has succeeded to prove the charge levelled against accused persons beyond the shadow of reasonable doubt and accused persons deserve conviction with maximum sentence.

Appreciation of Evidence

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Now, coming to the relevant provision of law applicable in this case. In present case, accused persons namely Parmanand Singh, Ranju Devi and Nitu Kumari who faced trial and the charge under Section 302/34 of IPC and there is direct allegation against them to assault deceased on 30.12.2018 jointly and also hit his head with spade which resulted into severe head injuries to him and he was firstly admitted in Tarapur and then in Sparsh Heritage Hospital, Patna for better treatment and he was died on 02.01.2019. So, a case under section 302/34 of IPC was registered against accused persons and investigation was launched. The concerned I.O. has submitted charge-sheet in same section against above named three accused persons and kept investigation pending against rest accused persons. The predecessor Court had taken cognizance and has also made charge in same section and the case was ultimately fixed for trial against these three accused persons. So, the main allagation covered under Section 302/34 of IPC which deals with punishment for committing murder and it has been defined in section 300 of IPC which says that 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 if it is done with the intention of causing such bodily injury as the offender knows to be likely to cause death of the person to whom the harm is caused or if it is done with the intention of causing bodily injury to any person and bodily injury inflicted is sufficient in the ordinary course of nature to cause death or if person committing the act knows that it is so imminently dangerous that it must in all probability cause of 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. This section also deals with exception with culpable homicide is not murder if prosecution proves one of the five exceptions mentioned in this section then such act shall not cover under term murder.

The prosecution in order to substantiate its case has produced nine (09) witnesses including Informant, wife and father of deceased, doctor and two I.O.s. Out of nine (09) witnesses, PW-3,4&5 have not stated anything regarding prosecution case and also denied to depose before the police. Though, they have admitted death of deceased and has also claimed to depose voluntarily before the Court without any fear or favour. PW-3 & 4 have also claimed to identify the accused persons but at the same time, PW-5 has failed to identify them. So, these three witnesses were delcared hostile by this Court on the request of Ld.

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A.P.P. and they have not stated anything adverse against accused persons, so their evidence have no value in the eye of law. The first material witness which was brought before the Court is PW-1 namely Soni Devi, wife of deceased who has fully supported the case of prosecution and has also claimed to be present at the time of incident and claimed herself as eye witness of this case. She has further stated that incident has taken place on 30.12.2018 at about 06:00 AM when accused persons namely Parmanand Singh, Shailjanand Kumar, Manju Devi, Sushmita Kumari and Nitu Kumari came to her land for erecting pillar (Khoota) and at that time, she was present in her house along with her husband (Deceased). They have also started to abuse them and she has opposed them from doing so along with her husband. Then, the accused Parmanand Singh used back portion of spade on the head of her husband and other accused persons also started to assault them by fists and slaps. She has also stated that on such assault, her husband received head injuries on her head and also fell into the ground and became unconscious. She has also stated that bloods were oozing out. She has also admitted to bring her husband firstly to Tarapur Hospital with the help of local persons and from where he was referred to Mayaganj Hospital, Bhagalpur in critical condition and then he was referred to Patna where he was admitted in private hospital namely Sparsh Heritage Hospital and he died on 02.01.2019 at about 05:00 AM. She has also stated that her husband was died due to assault made by accused persons from back portion of spade and he was earlier fit. She has also identified accused Parmanand Singh who was present in the Court and has emphasised that this person had killed her husband by hitting back portion of spade on his head. So, from the perusal of evidence of this witness, it is clear that she is not only wife of deceased but has also claimed to be present at the time of incident. This means, she has claimed herself as eye witness of this case. This is quite natural that being wife of deceased she was present in her house along with her husband and incident has taken place earlier in the morning. She has also stated reason behind incident is erection of pillar (Khoota) over her land, this shows that there was land dispute between them which is also corroborated from Fardbayan of Informant. This witness has given details about land purchased by her father-in-law as well as accused persons in same locality which also shows the possibility of land dispute between both sides which resulted into occurrence of such incident. Though, at the same time, this witness has fairly admitted not to know Khata number and Khesra number of said land which was purchased by her father-in-law before her marriage but

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at the same time, she has given details about boundary areas about the place of occurrence in para-12 of her cross examination. She has also admitted accused person as her old Gotiya (relative). She has also fairly stated that police has come at place of occurrence but she could not say whether police has collected blood stained soil and spade from place of occurrence or not because at the same time, she was in hospital. This also shows that it is quite natural to be present in hospital when her husband was admitted there. It is also true that she has made some contradiction by stating that she has made this case in police station and has also put her signature on Fardbayan (para-6) but from the perusal of Fardbayan, it is clear that her Devar namely Manohar Singh has given Fardbayan before the police in Sparsh Heritage Hospita, P.S. Jakkanpur, Patna at 08:00 AM on 02.01.2019 and this Fardbayan does not even contain signature of this witness. This shows that this witness has no knowledge about the institution of the FIR and Fardbayan which is also quite natural that a woman whose husband has been critically injured and later on died was not in a position to give Fardbayan soon after death of her husband thats why police has choosen to record statement of her near relatives i.e. Manohar Singh, her Devar as well as brother of deceased. So, the statement of this witness regarding institution of this case or her signature on Fardbayan does not make this incident fatal or doubtful. She has fully supported date, month, year, time, place of occurrence as well as manner of occurrence and Ld. Defense Counsel has failed to prove reason behind false implication of accused persons by prosecution. So, the evidence of this witness who is also close direct relative of deceased also cannot be discarded on the ground of interestedness and her evidence appears natural, fair as well as admissible in law. PW-2 who is informant-cum-brother of deceased who has fairly admitted not to present at spot and after receiving of information regarding this incident with his brother, he has visited to Tarapur hospital where he saw his brother whose eyes were closed and who was admitted there. He has also stated that incident has taken place on 30.12.2018 at about 06:00 AM, it means he has fully supported date, time, month, year, time as well as manner of occurrence. He has also fairly admitted that later on he came to know that his brother was assaulted with spade blow and has also knows the involvment of accused persons namely Parmanand Singh, Shailjanand Kumar, Manju Devi and Nitu Kumari in this case. This shows that this witness has not claimed himself as eye witness of this case though he had opportunity to do so as family members of deceased. He has also admitted land

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dispute behind this incident which also corroborated the statement of PW-1 as well as contents of his Fardbayan. He has fairly identify his signature as well as signature of Rajeev Kumar on Fardbayan which was marked as Exhibits-1 & 1/1 respectively without any objection of Ld. Defense Counsel. This witness has also identify all accused persons which are quite natural. He has also claimed to know this incident on his mobile called by his Bhabhi. He has also fairly admitted not to inform Tarapur police or Sultanganj, Nathnagar or Bhagalpur police station during treatment of his brother. He has also fairly admitted in para-16 of his cross examination that he has not seen the occurrence and has received information of this incident from others and on that basis he has deposed before the Court. He has even also admitted not to inform the police during treatment in Sparsh Hospital, Patna and has only deposed the police after death of his brother at Sparsh Hospital, Patna when his Bhabhi and other brothers had gone to their house. He has also admitted to put his signature on death supervision report prepared by the police and he has deposed before Patna police as per information received from his Bhabhi regarding act of assault and use of spade against deceased. Being hearsay witness, he has also fairly not stated any specific act done by each accused persons. He has also admitted that during whole treatement deceased has not stated anything. He has also claimed to see blood spread at place of occurrence which is quite natural and has also deposed same before police but at the same time, deposed not to state before the police that blood was attached with spade. This also shows his fair admission. This witness has also given details about boundary areas of place of occurrence in para-29 of his cross examination which was not objected by Ld. Defense Counsel. He has also fully denied the submission made by Ld. defense Counsel that accused persons have done nothing with his brother and due to land dispute, they have been falsely implicated in this case. This is impliedly admission of land dispute by Ld. Defense Counsel. PW-8 who is father of deceased has also fully supported the case of prosecution in his examination in chief and stated that incident has taken place three years ago about 06:00 AM but at the same time, he has failed to give exact date, month as well as year of occurrence. He has also claimed himself as eye witness of this case and saw accused Paro Singh @ Parmanand Singh exercised spade on his head which resulted into his falling into the ground. He has also stated that wife, son and daughter of Paro Singh also assaulted his son. It means that this witness being father of deceased has also supported the case of prosecution and has claimed that deceased first

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receive medical treatment at Tarapur Hospital then referred to Bhagalpur Hospital and finally referred to Patna where he was died after three days of incident during treatment but at the same time this witness has given reason behind incident regarding cutting of Adda of land by accused person Paro Singh was the main reason behind this incident. He has also identified all accused persons. He has also claimed to see deceased firstly at Tarapur Hospital in unconscious condition. He has also claimed to see deceased whose head was brutally damaged. This witness has fairly admitted not to institute any case in respect of this incident and has also stated not to depose before the police but the police has enquired regarding incident from him after fifteen (15) days of incident. He has also claimed that police has recovered alleged spade which was used in this incident on which blood was stained. He has also stated to see drop of bloods were present at spot and police has also seized it. He has also claimed accused Parmanand as neighbour of deceased and has also denied any previous land dispute between both sides. He has also denied the submission made by Ld. Defense Counsel that deceased had illegal relationship with other girls and due to which persons of scheduled tribe has murdered him. From the perusal of evidence of this witness, it appears that he has though has supported the case of prosecution but has made contradictory statement before the Court and he does not appears like eye witness rather he appears hearsay witness who has himself stated to live in Muskipur which is around 8-10 kms away from Fajeliganj. Though, Ld. Defense counsel has also taken different plea of defense regarding immoral activities of deceased which resulted into his death. So, the evidence of this witness appears admissible as hearsay and not as eye witness.

Apart from examination of private witnesses, the prosecution has also produced and relied upon the evidences of official witnesses like doctor and I.O.s. It is true that evidence of these witnesses are not conclusive in nature rather corroborative in nature because their roles started after the incident during investigation. So, they are not eye witness of this case but they have actively participated in investigation and their findings plays corroborative roles once private witnesses including Victim fully supported the case of prosecution. It is also true that only on the basis of evidences of doctor and I.O.s, a person cannot be generally convicted except when evidence of any such case is fully relied upon scientific investigation. In present case, the prosecution has alleged that accused persons committed murder of deceased Deevakar Singh by using spade

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blow on his head. The deceased also got treatment in different hospitals at Tarapur, Bhagalpur and finally in Sparsh Hospital, Patna where he was died after three days of incident during treatment. So, under such circumstances, the evidence of doctor becomes crucial who has conducted post-mortem of deceased and submitted injury report. It is true that no doctor who has medically examined during treatment has not come and give evidence before the Court and no such injury report has been proved and marked as exhibit. In present case, also doctor Dharmendra Kumar who was appeared before the Court as PW-6 and has also claimed to be posted on 02.01.2019 in F.M.T, Department of PMCH, Patna where post-mortem was conducted by this doctor. PW-6 who is doctor and who has conducted post-mortem of deceased on 02.01.2019 at about 02:30 PM whose deadbody brought from Sparsh Hospital, Patna, ICU Bed No. 3. So, this also suggested that deceased was admitted and treated in Sparsh Hospital, Patna which also corroborated of oral statements of prosecution witnesses including informant. This witness has conducted post-mortem of deceased and has found following anti-mortem injuries on the body of the deceased. External appearance of body. Eye closed, mouth partially open, chest electrode present, head bandaged, average built, rigor mortis present over the body.

3. External and Internal of P.M. examination.

(I) Abdomen: - Stomach brown colour fluid approx 100 ml, all abdominal organ congested, bladder-empty, rectum-empty.

(ii) Chest :- By lateral lungs congested, heart, right chamber, little blood, left chamber empty.

(iii) Head:- (a) There was metallic stitch wound "U" shaped 25 cm in length present over left front temporal parital scalp and right temporo parital scalp with 1 end 1.5 cm above right ear and another end 3 cm above left ear and mid point 12 cm above glabella.

(b) 5 cm long metallic stitch wound 'L' shaped present over right perital scalp, 3 cm to mid line and 7 cm above right eyebrow. There was tryphind wound of size 7 cm x 7 cm involving left frontal bone with corresponding bone placed in situ with extra dural blood clots under neeth. There was communnited fracture 14 cm x 13 cm of size involving left fronto temporo perital bone contusion of brain with presence of sub-dural blood and blood clot both side of brain. There was two drannage tube coming out the crenial cavity 1 is each side.

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4. Opinion:-(i) death was due to crenio cerebral damage consequent upon head injury caused by hard and blunt force impact.

(ii) Time since death :- Within 24 hour approx prior to P.M. examination.

This witness has found injuries on the head of deceased and metallic stiches and has opined that death was caused due to crenio cerebral damage consequent upon head injuries caused by hard and blunt force impact and time since death - within 24 hrs. prior to PM examination. On his identification the PM report is also marked as Exhibit-2. This witness has also fairly admitted not to aware about family position of deceased or not seen treatment report of deceased of Sparsh Hospital, Patna and has found head of deceased was bandaged and metallic stiched. Bandaged and metallic stiches on the head of deceased also shows head injury of deceased which also corroborated prosecution case and use of spade by accused person. He has also denied the suggestion of Ld. Defense Counsel that in case of suicidal death, left chamber of heart will be found empty but has suggested that it can be found empty in both homicidal and in suicidal case. He has even also denied any sharp cutting injury on the head of deceased but at the same time, admitted spade edge is a sharp cutting weapon. He has also admitted blood clots found in the sub-dural reason of brain may be caused by hard and blunt substance and it can be due to fall on the concrete surface from a height. He has also stated that this type of injury (wound 25 cm in length) cannot be caused by hitting on the head from sharp cutting edge of spade. It means that this witness has categorically denied injury of deceased caused by sharp edge of spade which also corroborated the evidence of witnesses who has stated that accused Parmanand Singh has exercised back portion of spade (Patasa) on the head of deceased and no prosecution witnesses has stated that accused person has exercised from front side of spade. Even, Ld. Defense Counsel has also not taken plea of injury caused to deceased due to his fall on concrete surface from a height. Even, Ld. Defense Counsel has also made no any further suggestions regarding death of deceased by some other means except death was caused by some other persons due to his immoral charector but he has failed to suggest their names who were involved in this murder and such suggestion of defense appears imaginary in nature. So, in this way, this prosecution witnesses have fully corroborated the case of prosecution with minor discrepancies. So, on careful exmaination of the evidence of doctor, I find that in the opinion of the doctor, the death of deceased was caused due to

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injuries on his head by hard and blunt force impact and this may not be caused by spade edge which often resulted into sharp cutting wound and within 24 hrs. of time of post-mortem which also appears true. Thus, medical evidence establishes beyond doubt that the death of deceased was homicidal. So, the evidence of doctor is cogent, reliable and admissible in nature. The prosecution has also produced two I.O.s who have investigated this case and they were produced and examined as PW-7 and PW-9. PW-9 is Jitendra Kumar who is first I.O. of this case who has claimed to be posted in Tarapur Police Station as SHO on 02.01.2019 and has also received Fardbayan from Patna by post and after its perusal, a Tarapur P.S. Case No. 01 of 2019 dated 02.01.2019 under Section 302/34 of IPC was registered. He has further identified writing of P.S. writer Sahendra Kumar as well as signature of witness on formal FIR which was marked as Exhibit-3. He has also identified his writing and signature which was also marked as Exhibit-4. He has further claimed to scan death supervision report in case diary, recorded statement of Soni Devi and Mangal Prasad Singh and also visited place of occurrence along with wife of deceased. He has further found place of occurrence on barren land situated between houses of both sides which was claimed by deceased as owner and where accused persons have tried to erect pillar (Khoota) which resulted into dispute and lastly assault of deceased by accused persons using spade on his head. This witness has also given full details of boundary areas further. This witness has also claimed to arrest accused persons namely Parmanand Singh, Ranju Devi and Nitu Kumari and has also recovered one spade from the house of accused person which was used in the incident and it was legally seized. He has also identified writing and signature on seizure list which was marked as Exhibit-5. This witness has also admitted to hand over investigation of this case to the then SHO of Amrendra Kumar on 07.02.2019 after his transfer. So, this witness has fully supported his part of investigation done till 07.02.2019. He has also fairly admitted not to record Fardbayan of Informant and has also not prepared death supervision report which was prepared by any police officer of Tarapur but it was sent from Patna which also appears true. He has also admitted in para-12 of his cross examination that witness Soni Devi had stated reason behind the incident is related to erection of pillar (Khoota) on disputed land. He has also admitted not to record the statement of boundary wall witnesses like Manohar Singh and Chano Singh. He has also fairly admitted not to mention in seizure list whether blood was present on spade or not. He has also fairly admitted not to record

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statement of any independent witnesses during whole investigation. He has also admitted that he has not seized blood stained soil from the place of occurrence and has also fairly admitted that witness Soni Devi has not deposed before him that incident has taken place at 06:00 AM and accused Parmanand Singh has used back portion of spade on the head of deceased which resulted into his fall and unconsciousness. Though, this witness has denied to falsely investigate this case and also falsely implicate these accused persons. PW-7 is Amrendra Kumar who is second I.O. of this case who has claimed to be posted on 30.12.2018 in Katoriya Thana, Banka District and he has first time received investigation of this case on 17.02.2019. In fact, this I.O. has taken charge of investigation of this case from the then SHO, Jitendra Kumar and has claimed to perused case diary and FIR and has also received FSL report and mentioned it in case diary. This witness has also claimed to record the statement of independent witnesses like Pappu Lal Manjhi, Gorelal Manjhi and Vijay Manjhi and has also claimed to submit charge-sheet in Section 302/34 of IPC vide charge-sheet No. 18 of 2019 dated 31.03.2019 keeping investigation pending against co-accused persons. He has also admitted that informant was not resident of Fazeliganj but resident of Muskipur and there was about eight (08) kms distance between them. He has also admitted that Fardbayan of Informant was recorded in Sparsh Heritage Hospital, Jakkanpur, Patna and has also fairly admitted not to record restatement of Informant during investigation. He has also admitted not to investigate related to ownership of disputed land. He has also rightly pointed out that no prosecution witnesses have stated regarding conscious status of injured during treatment. He has also fairly admitted not to collect blood stained soil from place of occurrence and has also found no blood mark on seized spade. This shows that this witness in one hand supported his investigation work but on the other hand, admitted lapses done by him during investigation. This shows also that he has fairly deposed before the Court. He has also denied the submission made by Ld. Defense counsel that deceased was man of immoral character who was killed by other criminals and due to previous land dispute, with accused persons, Informant has falsely implicated accused persons in this case that's why no blood marked was present at spot and no such blood stained soil was also seized. From the careful examination of this submission of Ld. Defense Counsel, it is crystal clear that he has implicitly admitted land dispute between both sides and this also supported the prosecution version regarding previous land dispute between both sides. Ld. Defense Counsel has also not

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taken plea about any previous enmity or dispute between accused persons and this witness which lead to false submission of charge-sheet in this case by I.O. against the accused persons From the perusal of evidences of all witnesses, I am of the view that Ld. Defense Counsel has taken different plea of defense at different stage of trial, while cross examine PW-1, para-22, he has suggested that deceased was fell down himself and accused persons were falsely implicated in this case. Para-15 of PW-2, Ld. Defense Counsel has suggested that infliction of injury to decease somewhere else, para-21 of PW-6, Ld. Defense Counsel has suggested that this injury was caused due to fall on the concrete surface from a height by deceased, para-11 of PW-7, Ld. Defense Counsel has suggested that immoral character of deceased led to his murder by unknown criminals. So, different plea of defense at different stage of trial taken by Ld. Defense Counsel has made his defense doubtful and Ld. Defense Counsel has also failed to create any doubt or major latches on the part of prosecution witnesses. Evidence of this I.O. equally admissible in this case like other prosecution witnesses. Ld. Defense counsel has also failed to create any doubt about prosecution witnesses or suggested no reason for false implication of accused persons in this case or death of deceased caused by anyother person than accused persons. From the perusal of evidences of private witnesses, it is also proved that only one witness i.e. PW-1 has claimed to see the incident, being wife of deceased and it is quite natural to live together in same house and this incident has taken place around 06:00 AM which also shows her reasonable presence at spot and other near relatives have also claimed not see the incident as they lived some distance away from the place of occurrence. It means that only one eye witness has been produced by prosecution and other private witnesses are hearsay who have also suggested directly involvement of accused persons in this case. Being close relative of deceased, they might have claimed as eye witness of this case but fairly admitted themselves as hearsay witnesses. All private witness have admitted death of deceased. Ld. Defense counsel has taken plea of interestedness but when an incident has taken place in or around house then close relatives are natural witness in such case. The term 'interested' postulates that the person concerned must have some direct interest in seeing that the accused persons in somehow or the other convicted because they had some annonymous with accused or for some other reasons. The settled principle of law is that a close relation of a murdered persons are most reluctant to spare the real offender and falsely implicate another in place of real assailants. Mere

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close relation of witnesses with informant and deceased does not make them interested witnesses and their credibilities cannot be discarded and it cannot make their evidences inadmissible and in-significant. Dealing with the credibility of interested witnesses, the Hon'ble Apex Court in **Sonelal V. State of Madhya Pradesh, AIR 2009 SC 760 (762-763) (Paras 6 and 13)**, observed that merely because the witnesses are family members, their evidence cannot per-se be discarded. When there is allegation of interested-ness, the same has to be established. Mere statement that being relatives of the victim, they are likely to falsely implicate the accused cannot be a ground to discard the evidence which is otherwise cogent and credible. Relationship is not a factor to affect credibility of a witness. It is more often than not that a relation would not conceal actual culprit and make allegations against an innocent person. Foundation has to be laid if plea of false implication is made. In such cases, the Court has to adopt a careful approach and analyze evidence to find out whether it is cogent and credible. **2005(3) B.L.J. (P-71)** in which held that “family member is natural and competent witness of the occurrence witness being close relatives of the deceased cannot be expected to speak lie and falsely implicate innocent person. Their prime concerned is to set the real culprits punished and not to implicate innocent person without any rhyme and reason. The evidence of PW-1, 2 & 8 do not suffer from any legal and factual infirmity. So, on the ground of interestedness, their evidence cannot be discarded and these witnesses being eye witness and hearsay witnesses have categorically supported the case on all accounts and on careful examination of their evidences, I find their evidences are cogent, legal, intact, credible and admissible. So, defense of interest witnesses sometimes does not appear very relevant and the Court has to examine only carefully in such type of cases.

Ld. Defense counsel has also taken plea of major contradictions or discrepancies in the statements of prosecution witnesses which created doubt about prosecution case and their evidence must be brushed aside. It is true that a minor contradiction are bound to occur with anyone who spoke before different authorities after a long gap because memory of mind regarding particular events decreases after passage of time and it also depends upon education as well as sensitivity of that person. So, minor contradiction of statement of witnesses are quite natural and it is admissible in law as evidence. So, minor discrepancies are bound to occur in human testimony and a mathematical precession cannot be

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expected. It is also settled principle of law discrepancies do not necessarily demolish the testimony. the credibility of the version of the aforesaid witnesses are not shaken and therefore, minor discrepancies have to be ignored but at the same time, major contradiction created doubt about the incident and such doubts always goes in favour of accused person where it is the duty of prosecution to prove the charges levelled against the accused persons beyond the shadow of reasonable doubts. Keeping in mind, the plea of discrepancies in the statements of prosecution witnesses, I am of the view that all contested witnesses including Informant and wife of deceased has fully supported the date, time, place as well as manner of occurrence. They have all categorically stated reason behind incident is land dispute which is also implidely confirmed by Ld. Defense Counsel. Even, the official witnesses like doctor and I.O.s have also fully supported the case of prosecution and has also fully defended their official works. Ld. Defense counsel has also failed to create any doubt about their works which created doubt about prosecution case. In fact, the evidences of doctor and I.O.s are corroborative in nature and not conclusive in nature. In present case, evidence of these doctor and I.O.s fully corroborated prosecution case. It is also relevant to mention here that spade used in incident has also been recovered from the house of accused persons and it has been deposited in Tarapur Malkhana (para-19 of PW-9). One seizure list was also prepared on which first I.O., witnesses like constable Rachna Kumar and Pinki Kumari Tiwari along with all three accused persons have put their signatures and thumb impressions respectively. PW-9 has identified his signature and writing on seizur list which was marked as Exhibit-5 without objection of Ld. Defense counsel. This also corroborate and prove prosecution case beyond the shadow of reasonable doubt. It is true that no FSL team has been brought at spot by prosecution or no sample of blood stained soil or blood clots from spade has been taken by either I.O. or FSL team. this may be latches done during investigation but such latches should not come as obstracle in the conclusion of trial when prosecution has proved the charge levelled against the accused persons beyond the shadow of reasonable doubt. It has been rightly held that a defective investigation by itself cannot be a ground for acquittal **(2007(3)P.C.C.R.(P.372))**. Ld. Defense Counsel has preferred to cross examine all prosecution witnesses at length but no oral or documentary evidence has been brought before the Court on its defense. Though, sufficient time and opportunity was given to Ld. Defense counsel. Thus, considerting entire facts, circumstances emanating therefrom, evidences

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available on the record coupled with erudite and well reasoned argument advanced on behalf of the both parties, I am of the view that all private witnesses except PW-3 to 5 have fully supported the case of prosecution by stating that accused Parmanand Singh has assaulted deceased by back portion of spade but no one has stated that it has been done with intension to kill him. Even, other accused persons has been alleged to assault deceased and his wife. No prosecution witnesses have stated carrying of any dangerous weapon by each accused person like Pistol, gun, bomb, knief, sword etc. Spade is an agricultural instrument which is often found in each and every indian village house and it is not considered as dangerous or prohibited weapon or instrument. Even, the prosecution has alleged that accused persons have come on spot with intention of erect pillar (Khoota) on disputed land which is opposed by deceased and his wife. It is also quite natural that under such circumstances sudden quarrel and fight started between both sides which lead to act of assault and exchange of abusive words to each other and accused Parmanand Singh exercised back portion of spade (Patasa) on the head of deceased as also stated by PW-1 Soni Devi who is wife-cum-sole eye witness of this case. Use of back portion of spade shows that accused person has knowledge about future consequence of act but has no intension to kill deceased. Even, no prosecution witnesses including informant and wife of deceased has stated that this has been done in order to kill deceased or create such injury which is sufficient in ordinary course of nature to cause death or such act was so imminently dangerous which in all probabilities cause death of injured person. Both sides were neighbour to each other who have purchased land close to place of occurrence. It means, they have migrated from some other places there for constructing house for the purpose of resident. Even no previous case or any serious enmity pending between them which may lead to killing to one another. Even, no witness has stated repetition of spade blow on the head of deceased. This also shows no intention on the part of accused persons. It is true that head is considered as vital organ of the body but at the same time, it is relevant to mention here that accused has not used sharp edge part of spade on deceased but only back portion of spade. This also proves knowledge but not the intention to kill deceased. The act of accused has also not been considered as imminant dangerous which in all probability leads to death of deceased or offender knows to be likely to caused death or such bodily injury inflicted is sufficient in the ordinary course of nature to cause death. So, the act of accused person was not

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of such a nature that in all probability caused death of deceased. So, the act of accused Parmanand Singh was not covered under Section 300 of IPC but at the same time, it is true that death is caused due to his act after three days of incident during treatment. So, from the perusal of evidences of all prosecution witnesses, I am of the view that the prosecution has failed to prove the essential ingredients required for application of Section 300 of IPC and which is punishable under Section 302 of IPC but at the same time, act of accused Parmanand Singh is sufficient to cover the elements of culpable homicide not amounting to murder exception 4 of Section 300 which says that culpable homicide is not murder if it is committed without pre-meditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender having taken undue advantage or acted in a cruel or unusual manner. Section 304 of IPC deals with punishment for culpable homicide not amounting to murder as it says that whoever commits culpable homicide not amounting to murder shall be punished with imprisonment for life or imprisonment of either description for a term which may extend to ten (10) years and shall be liable to fine, if the act by which the death is caused is done with intention of causing death or of causing such body injury as is likely to cause death. Or, with imprisonment of either description for a term which may extend to ten (10) year with fine or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death or to cause such bodily injury as is likely to death. So, from the perusal of above-mentioned section, it is clear that the quantum of punishment change with intention or knowledge. Before an accused is held guilty and punished under first part or second part of section 304, a death must have been caused by the offender under any of the circumstances mentioned in the five exceptions to section 300 of IPC (**Harendra Nath Mandal Vs State of Bihar (1993) 1 Crimes 984(C)**). Where, there is clear cut intention proved beyond the shadow of reasonable doubt against accused person naturally, he will be punished with grave punishment which covers first part of the section. A person cannot be punished in part second of section 304 when prosecution has proved the death of person in question and such death was caused by the act of accused and that he knew that such act of his is likely to cause death (**State Vs Sanjeev Nanda AIR 2012 SC 3104**). Ld. Defense Counsel has also cited several rulings of Hon'ble Apex Court which is earlier mentioned and it will be discussed here one by one for its clarity. While, citing rulings of **Cri. L.J.1992 P-861 SC**, Ld. Defense Counsel

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has stated that in present case, the prosecution has failed to prove motive and in the absense of motive, it is a plus point for the accused persons when evidences against them is only circumstantial but in my opinion, this rullings is not applicable here because this case is not based on circumstantial evidence rather based on eye witness who is also corroborated by other hearsay witnesses as well as official witnesses. It is further held in several other cases that motive is not prerequisite to prove an offence if evidence is otherwise overwhelming. Sometimes, where allegation against accused person has been proved beyond the shadow of reasonable doubts then under such circumstances, motive does not become much relevant. It is true that generally proof of motive is material consideration but the prosecution is not bound to prove motive of any offence in a criminal case as such motive is known to the perpetrator of the crime and may not be known to others. So, it is suffice to say that the motive for a criminal act may not necessarily be proportionatly grave to do grave crime. Sometimes, motive established may appear to be weakone but that by iteself is not sufficient to led any inteference adverse to the prosecution. Where the prosecution has proved case by producing direct evidence then motive is not required to be proved as held in **1998 Cri. L.J. 295 (Odisha High Court in Ratnakar Dandsena Vs State (Jail Criminal Appeal No. 154 of 1992 dated 01.07.1997))**. So far as, the rullings like **Cri. L.J. 1993 P-1801 SC, Cri. L.J. 1993 P-150 SC** are concerned they are not directly identical with present case and in this case only one witness has claimed to be an eye witness of this case who is wife of deceased and other family members have claimed themselves as hearsay witnesses and their evidences are not doubtful but admissible in law. So far as, the rullings laid down by Hon'ble Apex Court in **AIR 1993 P-1462 SC** is concerned, in present case, oral testimonies of private witnesses are corroborated with medical evidence and there is no major contradiction in their statements. It is also settled law that a conviction can be legally be based on the testimony of even single eye witness provided that the sole witness is completely reliable and its testimony passes the test of credibility. It is also well proved that it is not quantity of witnesses but quality of witnesses, this is matter. Ld. Defense Counsel has also pointed out that FIR was lodged after laps of four days without any explanation of delay but it is pertinent to mention herd that occurrence took place on 30.12.2018 and victim died on 02.01.2019 during treatement and Fardbayan was recorded in Patna on 02.01.2019 at about 08:00 AM and on same day FIR was lodged which is reflected from formal FIR,

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Fardbayan as well as oral testimonies of prosecution witnesss. This is sufficient itself that FIR was lodged on same day on which victim was died and Fardbayan was recorded of Informant. In present case, the evidence of sole eye witness is fully corroborated by other hearsay witnesses as well as official witnesses like I.O.s and doctor and in this way the prosecution has proved the charge under Section 304 part-2 of IPC against accused Parmanand Singh beyond the shadow of reasonable doubts but at the same time, the prosecution has failed to prove allegation under Section 302/34 of IPC against all three above named accuse persons. The prosecution has also failed to prove common intention among them and they acted in furthrance of their common intention. Even, the private witnesses have not specifically stated specific role played by each accused persons during incident. Even, the prosecution has also failed to prove previous meeting of mind or pre-planned among them and they have acted in persuance of such plan. The prosecution has failed to prove common intention prior to the commission of act in a point of time. So, the provision of section 34 shall not be applicable against other two accused persons. It is also true that charge has been framed under Section 302 of IPC against all three accused persons but accused Parmanand Singh was convicted under Section 304 part-2 of IPC. Though, he has not been charged under this section but this is justifiable as per section 222 of Cr.P.C. which says that when a person is charged with an offence and facts are proved which resduce it to a minor offence, he may be convicted of the minor offence, although he is not charged with it. So, section 304 part-2 of IPC is considered as minor offence in comparision of Section 302 of IPC and it is justifiable as per above-mentioned provision.

Considering the entire facts and circumstances as well as minute examination of evidences available on case record, I am of the view that the prosecution has failed to prove the charge under Section 302/34 of IPC against all above named three accused persons beyond the shadow of reasonable doubts but at the same time, the prosecution has succeeded to prove the charge under Section 304 part-II of IPC against accused Parmanand Singh and not against accused persons namely Ranju Devi and Nitu Kumari beyond the shadow of reasonable doubts.

Accordingly, it is therefore,

Ordered

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I found and held accused persons namely **Parmanand Singh, Ranju Devi** and **Nitu Kumari** are not guilty **under Sections 302/34 of I.P.C.** and they are acquitted under same section. They are set at liberty forthwith but accused person namely Parmanand Singh is found guilty under Section 304 part-II of IPC and his bail bond is hereby cancelled and he is also taken into custody. Office is directed to issue custody warrant against Parmanand Singh. This case record was fixed for hearing on the point of sentence on 11.06.2026 in respect to convict **Parmanand Singh** with the consent of both sides.

Dictated & Corrected by me and pronounced in open Court in presence of both sides, signed and sealed on 06 day of June, 2026.

Sd/-

(Amit Ranjan Upadhyay)

District & Addl. Sessions Judge- I

Munger

Dated: 06.06.2026

Sd/-

(Amit Ranjan Upadhyay)

District & Addl. Sessions Judge- I

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Order of Sentence

11. This case record was put up for hearing on the point of sentence of convict
11.06.2026 Parmanand Singh who has been held guilty under Section 304 part-II of I.P.C. on 06.06.2026. Ld. Convict Counsel argued that the Petitioner is law abiding person and has no previous conviction in any case and this is his first offence. He is also sole bread earner of his family and he was granted bail by the predecessor Court during trial and after found him guilty on 06.06.2026, he was taken into custody and presently he is in jail custody. He has also future and he has also fully co-operated Court during trial. Even informant has not made any further complaint regarding his conduct during trial. Ld. Convict Counsel further stated that convict is a married person and have children also. So, Court should take lenient view against convict and he shall be punished with minimum sentence and given him benefit of provision of section 4 of Probation of Offender Act with surities for any reasonable time periods, So that, convict starts a new life after release.

On the other hand, Ld. A.P.P vehemently opposed the contentions of Ld. Convict Counsel though admitted no previous conviction report available on case record as well as no complaint of convict during trial but he has prayed to pass maximum sentence against convict in the interest of justice.

Having regard to the age of convict, his dependents (wife and children), nature of offences proved against the convict, no previous conviction order or probation report available on case record, no grievance alleged by informant during trial as well as period of custody earlier undergone by convict, I am of the view that this case has been registered in year 2019 and since then it is pending for disposal. No previous conviction or any adverse report regarding his character is available on case record but convict is convicted for commission of murder of husband of Soni Devi by using spade blow. Ld. A.P.P has also argued maximum sentences but Ld. Defence Counsel has also prayed minimum sentence, though convict has no criminal antecedent and has good behaviour during trial but this is a case of murder though has not done with intention but have knowledge about the consequence of act when spade was used against head of deceased and deceased died after four days of incident during treatment. So, convict should be awarded substantive sentence prescribed in section 304 part-II of I.P.C. which not only deter future offender but also satisfy family members of deceased as well as society in large.

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Accordingly, convict namely Parmanand Singh is hereby awarded sentence given below:-

I. Rigorous imprisonment for Five (05) years and rupees Ten Thousand (Rs. 10,000) as fine under section 304 part-2 of IPC, in case of default of fine, convict shall under go simple imprisonment for three (03) months additional.

All sentences shall run concurrently and fine recovered from convict shall also be paid to wife of deceased or her successor. Office clerk is hereby directed to prepare conviction warrant against convict person and send it to Jail Superintendent, Munger to serve out the sentence. In present case, husband of Soni Devi was murdered and her age as 26 years on 16.07.2019 while deposing her evidence before Court. So, at present, she will be around more than 33 years old and it was come to notice of this Court (para-32 of PW-2) that deceased was survived by his wife and three children. Though, the exact economic condition of victim is not known at present but I am of the strong opinion that she must be awarded reasonable compensation for continuation of her life and her children life easily which is also supported by Ld. Prosecution Counsel. I also hold victim Soni Devi as victim U/section 2(wa) Cr.P.C. and also recommended to Secretary, D.L.S.A, Munger for reasonable compensation to victim. The fine realized shall also be given to victim (wife of deceased). One copy of this judgment shall be given free of cost to convict person and one copy shall also be sent to District Magistrate, Munger and Secretary, D.L.S.A, Munger for payment of compensation.

Dictated & Corrected by me and pronounced in open Court in Presence of both side signed and sealed on 11th day of June, 2026.

Sd/-

(Amit Ranjan Upadhyay)

District & Addl. Sessions Judge- I

Munger

11.06.2026

Sd/-

(Amit Ranjan Upadhyay)

District & Addl. Sessions Judge - I

Munger

11.06.2026

Court of Addl. Sessions Judge-I Munger

Present-Amit Ranjan Upadhyay, Addl. Sessions Judge-I, Munger.
State (Manohar Singh) Vs Parmanand Singh and Others
Sessions Trial Case No. 142 of 2019
C.I.S. No. 142 of 2019
Tarapur P.S. Case No. 01 of 2019
DATE OF JUDGMENT: - 06th day of June, 2026

Accused Details

Rank of the Accused	Name of the Accused persons	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.	Parmanand Singh	04.01.2019	26.10.2019	Under Section 302/34 of IPC	Convicted	I. Rigorous imprisonment for Five (05) years and rupees Ten Thousand (Rs. 10,000) as fine under section 304 part-2 of IPC, in case of default of fine, convict shall under go simple imprisonment for three (03) months additional.	Jail custody under gone by convict shall be set off against sentenced imposed.
2.	Ranju Devi	04.01.2019	23.04.2019	Under Section 302/34 of IPC	Acquitted	NA	NA
3.	Nitu Kumari	04.01.2019	23.04.2019	Under Section 302/34 of IPC	Acquitted	NA	NA

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

Sl. No.	Witness No.	Witness Name	Witness Nature
1.	PW-1	Soni Devi	Other witness (wife of deceased)
2.	PW-2	Manohar Singh	Informant
3.	PW-3	Vijay Manjhi	Other witness
4.	PW-4	Gorelal Manjhi	Other witness
5.	PW-5	Pappu Manjhi	Other witness
6.	PW-6	Dr. Dharmendra Kumar	Doctor
7.	PW-7	Amrendra Kumar	Second I.O.
8.	PW-8	Mangal Singh	Other witness (Father of deceased)
9.	PW-9	Jitendra Kumar	First I.O.

Court of Addl. Sessions Judge-I Munger

Present-Amit Ranjan Upadhyay, Addl. Sessions Judge-I, Munger.
State (Manohar Singh) Vs Parmanand Singh and Others
Sessions Trial Case No. 142 of 2019
C.I.S. No. 142 of 2019
Tarapur P.S. Case No. 01 of 2019
DATE OF JUDGMENT: - 06th day of June, 2026

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

(C) Court Witnesses.....Nil

LIST OF Prosecution/Defence/Court Exhibits

(A) Prosecution

Sr. No.	Exhibit No.	Description Of Exhibit
1.	Ext.P-1	Signature of Informant on Fardbayan
2.	Ext.P-1/1	Singnature of Rajeev Kumar on Fardbayan
3.	ExtP-2	PM report
4.	Ext.P-3	Formal FIR
5.	Ext.P-4	Forwarding on Fardbayan
6.	Ext.P-5	Seizure list

(B) Defence WitnessesNil

(C) Court Exhibits.....Nil

(D) Material ObjectsNil.

Sd/-

(Amit Ranjan Upadhyay)
Addl. Sessions Judge- I, Munger
Dated: 11.06.2026

Date of Order/Judgement	06.06.2026
Uploading Date	15.06.2026
Uploaded By	Neeraj Kumar Pandey (Steno)