

IN THE COURT OF SHRI SANTOSH KUMAR

JUDICIAL MAGISTRATE FIRST CLASS UDAKISHUNGANJ

DISTRICT – MADHEPURA

Present- Santosh Kumar (संतोष कुमार)

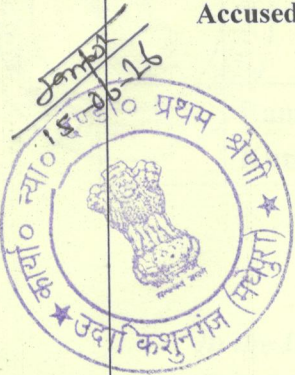
[DATE OF JUDGMENT– [15/06/2026]

REGISTRATION.NO. -173/2019

GR No.-173/19

FIR U/S 341,323,379,354,504,506/34 of the I.P.C.
Cognizance under Section 341,323,504,506 of the I.P.C.

Informant	Nirmala Devi, W/O-Late Tej Narayan Yadav, R/O-Dumrail ,P.S.-Puraini, District –Madhepura.
Represented by	Obaidullah Learned APP for the State.
Accused	1. Raman Kumar, Age-56 Yrs, S/O, - Late Rajeshwar Prasad R/O- Dumrail ,P.S.-Puraini, District –Madhepura.
Represented by	Learned Counsel Shri Shashi Sankar Singh



FORM B

*In the Light of Addenda and Corrigenda to Criminal Court rules of the Hon'ble High Court of Judicature at Patna
(Volume I) (Third edition)*

Date of offence	09-02-2019
Date of F.I.R	09-02-2019
Date of charge sheet	11-03-2019
Date of Cognizance	05-11-2019
Date of Charge Framed	19-02-2021
Date of commencement of Evidence	21-07-2023
Date on which Judgment is reserved	15-06-2026
Date of Judgment	15-06-2026
Date of sentencing order, if any	-

Accused details

Rank of the accused	Name of accused	Date of arrest	Date of release on bail	Offences charged with	Acquittal or conviction	Sentence Imposed	Detention during trial u/s 428 Cr. P.C
1.	Raman Kumar	-	21.01.2020	341,323,504,506 of the I.P.C.	Acquitted	NIL	NIL

FORM C

In the Light of Addenda and Corrigenda to Criminal Court rules of the Hon'ble High Court of Judicature at Patna (Volume I) (Third edition)

A. PROSECUTION WITNESS:

Rank	Name	Nature of witness-Eye, Expert, Police, Medical, Other
PW1	Chandra Kishore Thaku	Hostile Witness
PW2	Bijendra Kumar	Other Witness

JUDGEMENT

1. By way of the present Judgment, this court shall dispose of the present case filed by the **Nirmala Devi** (hereinafter referred to as 'Informant') against the aforementioned named accused persons stand charged and are facing trial for offences punishable under sections **341,323,504,506** of The Indian Penal Code.

Case of the Prosecution.

2. The prosecution case, in brief, is that the informant is in possession of a piece of land measuring 15 decimals, which had been duly demarcated. It is alleged that on 09.02.2019, the accused persons came to the said land and started damaging the demarcation marks. When the informant protested, the accused persons allegedly assaulted her. It is further alleged that when the daughter-in-law of the informant intervened to rescue her, the accused persons abused her in filthy language. The informant has further alleged that despite the intervention and instructions of the village Panchayat, the accused persons did not comply and continued to abuse and threaten her.

Procedural Compliance

3. Based on Fard Beyan Puraini P.S. case No. 27/19 was registered and FIR was drawn. The investigation was carried by Sunil Kumar Bhagat who upon completion of investigation submitted a charge-sheet against the accused u/s-341,323,504,506 of IPC.
4. Based on FIR, charge-sheet and case diary cognizance order was passed by Ld. JMFC Udakishunganj on dated 05.1.2019 u/s-341,323,504,506 of IPC against all the accused persons.
5. After hearing the respective sides, on 19.02.2021, the court explained the substance of accusations under sections 341,323,504,506 of the IPC against accused persons



namely, **1. Raman Kumar**. The charges were read and explained to the accused in Hindi, and they pleaded not guilty and claimed to be tried.

6. After closing of prosecution evidence, on 22.05.2026 the statement of the accused was recorded under Section 313 of the CrPC (Criminal Procedure Code). The accused denied the occurrence of the alleged offense and pleaded innocence.

POINT FOR DETERMINATION

7. Now the question which falls for consideration before this court is that whether the prosecution has been able to prove its case beyond the shadow of all reasonable doubt on the above charges?

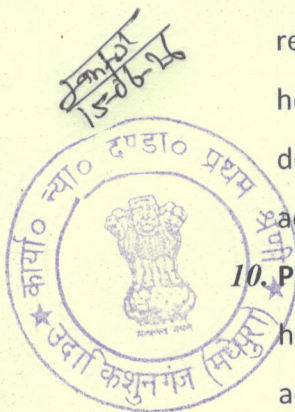
The Evidence of Prosecution

8. Upon reviewing the record, it is clear that the prosecution has presented two witness to establish the charges against the accused.
9. **PW-1, Chandra Kishore Thakur**, did not support the prosecution case. He deposed that he had no knowledge of the occurrence and that his statement had never been recorded by the police. Consequently, on the prayer of the learned APP for the State, he was declared hostile. Even during his cross-examination by the prosecution, he denied the suggestion that there was any land dispute between the parties or that the accused persons had assaulted the informant.

10. **PW-2, Bijendra Kumar**, also did not fully support the prosecution case. He stated that he had learnt from the villagers that the informant had instituted a case against the accused persons. However, during his cross-examination, he deposed that he had seen the accused persons removing bricks from the land of the informant and that a quarrel had taken place between the parties, which was subsequently pacified by the villagers.

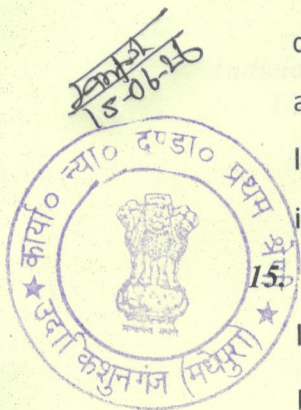
Arguments

11. The learned counsel for the State submitted that the accused persons are guilty and argued that all prosecution witnesses have supported the case and pointed towards the guilt of the accused, thereby establishing the charges. **Per contra**, the learned counsel for the defence submitted that the prosecution has miserably failed to prove its case beyond reasonable doubt. It was argued that the material witnesses examined by the prosecution, namely PW-1 and PW-2, have not supported the prosecution case and were declared hostile. It is further contended that the present case has been instituted only with the intention to harass the accused persons and has been filed with a mala fide motive.



MARSHALLING & APPRECIATION OF THE EVIDENCE

12. I have carefully considered the submissions advanced on behalf of both sides and have perused the entire evidence available on record.
13. The prosecution has examined only two witnesses. PW-1, Chandra Kishore Thakur, did not support the prosecution case at all. He categorically stated that he had no knowledge of the alleged occurrence and denied having made any statement before the police. Despite being declared hostile and being cross-examined by the learned APP, nothing material could be elicited from his testimony to support the prosecution version.
14. PW-2, Bijendra Kumar, also failed to substantiate the allegations made in the FIR. Though he stated during cross-examination that he had seen the accused persons removing bricks from the informant's land and that a quarrel had taken place, he further deposed that the matter was pacified by the villagers. Significantly, he did not depose about any assault, wrongful restraint, intentional insult, or criminal intimidation as alleged by the prosecution. His testimony, therefore, does not establish the essential ingredients of the offences charged against the accused persons.
15. It is noteworthy that neither the informant nor her daughter-in-law, who were alleged to be the victims of the occurrence, were examined by the prosecution. No explanation has been furnished for their non-examination. The non-production of these material witnesses casts a serious doubt on the prosecution case.
16. Further, no independent evidence has been brought on record to prove that the accused persons wrongfully restrained, assaulted, intentionally insulted, or criminally intimidated the informant. The evidence available on record is insufficient to connect the accused persons with the offences alleged.
17. It is a settled principle of criminal jurisprudence that the burden lies upon the prosecution to prove its case beyond reasonable doubt and that the accused is entitled to the benefit of every reasonable doubt arising from the evidence on record. In the present case, the evidence adduced by the prosecution falls far short of the standard required for recording a conviction.



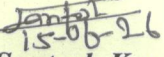
PRESIDING OFFICER –SHRI SANTOSH KUMAR
STATE VS RAMAN KUMAR &ORS
REGISTRATION.NO- 173/2019
PURAINI P.S CASE NO-27/2019
DATE OF JUDGMENT – 15.06.2026

ORDER

1. In the light of material on record, the argument of learned counsels of both the sides, this court is of considered opinion that accused person deserves to be acquitted and is accordingly acquitted. It is hereby ordered that accused **1. Raman Kumar is acquitted** from the charge of offences punishable under Sections 341,323,504,506 of the Indian Penal Code, 1860. The sureties are discharged from their liabilities as to bail bond. Accused person is put to this liberty. Warrant of arrest, if any, issued by this court in relation to the arrest of the accused persons stands cancelled. The case stands disposed of. Office Clerk is directed to deposit the record in record room.

The Judgment pronounced in an open court on **15th June, 2026.**

Typed and corrected by me.

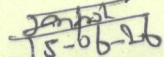

15-06-26

Santosh Kumar

(संतोष कुमार)

**Judicial magistrate First Class
Udakishunganj**




15-06-26

Santosh Kumar

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**Judicial Magistrate First Class
Udakishunganj**