

IN THE COURT OF ADDITIONAL SESSIONS JUDGE- II,
MUZAFFARPUR

Present- Sri Dashrath Mishra
Addl. Sessions Judge - II
Muzaffarpur.

Muzaffarpur, Dated 17th June, 2026.

S.Trial No.-365 /2024

(Arising out of Paroo P.S. Case No. 156/2013)

(Details of FIR/ Crime and Police Station)

Informant	State through the Informant Pappu Kumar S/o- Ravindra Rai Vill-Kubauli, P.S. Paroo, District- Muzaffarpur
Represented By	Sri M.M.Kamali, Ld. APP
Accused persons	1. Bhola Rai, aged 78years 2. Gandhi Rai, aged 60years 3. Bachcha Rai, aged 62years 4. Vikash Kumar, aged 36years 5. Dipak Kumar, aged 32years 6. Srikant Kumar, aged 34years 7. Vinay Kumar @ Raju, aged 35years
Represented By	Sri Anil Kumar, Ld. advocate

FORM – B

Date of Offence	15-10-2013
Date of FIR	15-10-2013
Date of Charge-sheet	28-11-2014
Date of Cognizance	17-03-2015
Date of Commitment	22-05-2024
Date of Framing of Charges	09-06-2025
Date of commencement of evidence	10-06-2026
Date on which judgment is reserved	12-06-2026
Date of the Judgment	17-06-2026

Rank of the accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charge with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C
	1. Bhola Rai 2. Gandhi Rai 3. Bacha Rai 4. Vikash Kumar 5. Dipak Kumar 6. Srikant Kumar 7. Vinay Kumar @ Raju	N/A	N/A	U/s 341/34, 307/34, 504/34 of IPC.	Acquitted	NIL	NIL

FORM C

LIST OF PROSECUTION/ DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE
PW-1	Randhir Kumar	Injured person
P.W.-2	Kanak Devi	Mother of informant and also injured person.
P.W.-3	Pappu Kumar	Informant

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
NIL	NIL	NIL

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
CW-1	NIL	NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
01.	Exbt. P1	Signature of the informant Pappu Kumar over the written report

B. Defence:

Sr. No.	Exhibit Number	Description
NIL	NIL	

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
NIL	NIL	

D. Material Objects:

Sr. No.	Material Object Number	Description
NIL	NIL	

J U D G M E N T

1. The above named accused, namely, 1. Bhola Rai, 2. Gandhi Rai, 3. Bachcha Rai, 4. Vikash Kumar, 5. Dipak Kumar, 6. Srikant Kumar and 7. Vinay Kumar @ Raju have been tried for the offenses charged under sections 341/34, 323/34, 324/34, 307/34, 504/34 and 379/34 of IPC for to wrongfully restrained and voluntarily caused hurt to informant and also beaten to informant by means of Farsa on his head with intention and under such circumstances that, if by that act you had caused the death of informant.

2. The prosecution story is in brief is the informant, namely, Pappu Kumar, s/o Ravindra Rai, vill-Kubauli, P.S.-Paroo, District- Muzaffarpur, gave a written application before S.H.O. Paroo P.S., stating therein, that on 15.10.2013 about 6.00 PM, he went to Kubauli Dhala for purchase of medicine in the mean time he reached near a bridge about 500 meters of his house then the Vinay Kumar @ Raju prevent him and with intention to kill him he beaten by farsa on his head

was injured then he cried. Thereafter, his uncle Randhir Kumar and mother Kanak Devi came there to save him then the Bachcha Rai alongwith other all co-accused persons beaten them by means of sharp cutting weapon. The all aforesaid three persons are badly injured. In the mean time nearing persons came there. Then the Srikant snatched Golden chain of the Ranjit Kumar and they fled away.

3. On the basis of the written application given by the informant the Paroo P.S. had registered the case as Paroo P.S. Case No. 156/2013, dated 15.10.2013, for the offence punishable U/s 341/34, 323/34, 324/34, 307/34, 504/34 and 379/34 of IPC against seven accused persons and S.I. Niraj Kumar Yadav will directed to investigate the case.

4. After investigation the I.O. had submitted charge-sheet before the court on 28.11.2014 vide charge-sheet No. 163/2014 dated 31/10/2024 against Three accused persons, namely, 1. Bhola Rai, 2. Gandhi Rai, 3. Bachcha Rai for offence punishable U/s 341/34, 323/34, 324/34, 504/34 of the IPC.

5. After filing of the charge-sheet The Ld. Magistrate had took cognizance in against the charge-sheet submitted by the concern I.O., against the all seven accused persons namely, 1. Bhola Rai, 2. Gandhi Rai, 3. Bachcha Rai, 4. Vikash Kumar, 5. Dipak Kumar, 6. Srikant Kumar and 7. Vinay Kumar @ Raju of offences punishable U/s 341/34, 323/34, 324/34, 307/34, 504/34 and 379/34 of the IPC by the order dated 17.03.2015.

6. This case was exclusively triable by the Court of Sessions. Therefore, the Ld. J.M.F.C., Muzaffarpur (West), committed the case before the Court of Sessions after complied the provision of Section 207 Cr.P.C. on 22.05.2024 and the Id. Sessions judge, Muzaffarpur transferred the case to this court for trial and disposal on 29.05.2024.

7. On 09.06.2025 charged was framed against the accused persons with the offence punishable U/s 341/34, 307/34, 504/34 of IPC and same to read over and explained in vernacular language to accused persons, from which they pleaded not guilty and claimed to be tried.

8. The accused persons have pleaded their innocence and false implication in this case, in their statement U/s 313 Cr.P.C. on 12.06.2026.

9. Now the question before this court is whether the prosecution has been able to prove the charge for offence against the accused beyond the shadow of all reasonable doubts by reliable and cogent evidence or not?

FINDINGS

10. In support of its case, the prosecution has examined altogether three witnesses, they are PW-1 Randhir Kumar, P.W. Kanak Devi and P.W. 3 Pappu Kumar.

11. Brief summary of the evidences.

12. PW-1 Randhir Kumar, he was examined on 10.06.2026 and he has stated that occurrence occurred on dated 15.10.2023 about 6.00 PM at that time Pappu Kumar going to nearing market to purchase of the Medicine and on way the all aforesaid seven accused persons prevented him and beaten on his head. He has also stated that at the time of occurrence there is a dark and he identified the Bhola Rai present in the court of that day. In his cross-examination he stated that he also not seen that what person to beaten the injured person specifically due to darkness and he has not given any statement before any person tried to his evidence and the accused were his Gotiya then he identified the same.

13. PW-2 Kanak Devi, she was examined on 10.06.2026 and she has stated that the occurrence occurred thirteen years ago at the time of occurrence her son went to market for purchasing the Medicine then the accused Bhola Rai beaten him and she saved to her son then the accused Bhola Rai also assaulted her. She

identified the Bhola Rai present in the court of that day. In her cross-examination she stated that she has not seen the occurrence and also not to say that that what person to beaten her and her son and brother-in-law specifically due to darkness and he has not given any statement before any person tried to his evidence and the accused were her villagers then she identified the same.

14. PW-1 Pappu Kumar, who is informant of this case, he was examined on 10.06.2026 and he has stated that on 15.10.2013 about 6.00 PM, he went for purchase of medicine and on the way the accused Vinay Kumar @ Raju and other co-accused persons beaten him by farsa on his head and his head was injured in the mean time some persons came there to same him then the accused Srikant Kumar, Bhola Rai, Vikash Kumar, Bachcha Rai, Dipak Kumar and Gandhi were beaten him. Thereafter, he given a written petition before the Paroo P.S. he had also identified his signature on the written petition, marked as exhibit P1. in his cross-examination he stated that he has not seen the persons beaten him due to darkness at the time of occurrence and he has not given his statement before the police some other persons was signed in a paper without reading the contents before him and the accused persons are his neighborer and at this time no any dispute existed between the both parties. Therefore he has not pursue the case in future due to compromised the case to all accused persons.

15. On the other side defence has not adduced any witnesses.

16. It is submitted by learned counsel arguing on behalf of defence that the entire case filed by the informant on the basis of misunderstanding, there is no evidence surfaced on behalf of prosecution in against these accused persons. Therefore, they had been falsely been implicated in this case. He further submitted that altogether three witnesses have been examined including informant but he has not supported the case of the prosecution. Therefore, the prosecution has not proved his case against the accused persons. Hence, these accused persons may be acquitted.

17. The learned Addl. P.P. representing the state has submitted that in support of the case, prosecution has produced altogether three witnesses as informant of this case has fully supported the prosecution case alleged against the accused by valuable evidence. Hence, the prosecution has proved its case beyond reasonable doubt and prayed to convict the accused the charges levelled against them.

18. Discussions, Decisions and Reason thereof.

19. Heard both the sides and perused. From perusal of record, it transpires that in this case altogether three witnesses has been examined including the informant but they had not supported prosecution story mentioned in the FIR, informant Pappu Kumar had also not stated any fact with related to the FIR due to compromised the case to the accused persons and he has never pursue the case against the accused persons in future.

20. On minute scrutiny of the deposition of all the witness, it is clear that the witnesses of the prosecution have not supported the prosecution case in the light of FIR. The informant himself has never supported the prosecution case in his evidence, his statement is vital contradictory regarding the occurrence. In this regard the prosecution has failed to prove his case in the light of U/s 341/34, 307/34, 504/34 of IPC. Hence, this Court comes to the conclusion that the prosecution has failed to prove the case against the accused persons.

21. It is found that the prosecution witnesses have not supported the prosecution case with regarding main crux of the case against the accused persons, namely, 1. Bhola Rai, 2. Gandhi Rai, 3. Bacha Rai, 4. Vikash Kumar, 5. Dipak Kumar, 6. Srikant Kumar and 7. Vinay Kumar @ Raju, stands charged U/s 341/34, 307/34, 504/34 of IPC. Accordingly, it is found and hold that the prosecution has miserably failed to prove the charge U/s 341/34, 307/34, 504/34 of IPC, against the accused persons.

ORDER

22. Accordingly, the accused, namely, 1. Bhola Rai, 2. Gandhi Rai, 3. Bacha Rai, 4. Vikash Kumar, 5. Dipak Kumar, 6. Srikant Kumar and 7. Vinay Kumar @ Raju is hereby acquitted of charge U/S 341/34, 307/34, 504/34 of IPC, all accused persons are on bail. Hence, they are discharged the liabilities of their bail bonds to set at liberty.

Dictated, corrected & pronounced by me in the open court.

Sd./-

(Dashrath Mishra)
Addl. Sessions Judge-II
Muzaffarpur
17.06.2026