

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-V, MUZAFFARPUR**

Present : Suman Kumar Divakar,  
Bihar Superior Judicial Service

**Date of Judgment : 25.05.2026**

**Sessions Trial No. 645/2024**  
**[Arising out of Minapur (Panapur O. P.) P. S. Case No. 81/2023]**

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(Suman Kumar Divakar)  
Addl. Sessions Judge-V  
Muzaffarpur.

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FORM A

|                     |                                                                                                                                                   |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Complainant         | State of Bihar                                                                                                                                    |
| Represented by      | Shri Lalit Kumar Verma, Addl. P. P.<br>assisted by<br>Shri Manoj Kumar, Advocate                                                                  |
| Name of the accused | Bhola Manjhi S/o Late Brish Manjhi<br>R/o - village - Panapur Bangla Tola, Police<br>Station - Minapur (Panapur O. P.), District<br>- Muzaffarpur |
| Represented by      | Rambabu Singh, Deputy Chief Legal Aid<br>Defence Counsel, DLSA, Muzaffarpur                                                                       |

FORM B

|                                     |            |
|-------------------------------------|------------|
| Date of Offence                     | 22.02.2023 |
| Date of FIR                         | 23.02.2023 |
| Date of Chargesheet                 | 31.03.2023 |
| Date of Framing of Charges          | 03.12.2024 |
| Date of Commencement of Evidence    | 02.01.2025 |
| Date on which judgement is reserved | 12.05.2026 |
| Date of the Judgement               | 25.05.2026 |
| Date of Sentencing order, if any.   | 08.06.2026 |

-

Accused Details

| Rank of the accused | Name of the accused | Date of Arrest | Date of Released on bail | Offences charged with | Whether acquitted or convicted | Sentence imposed              | Period of detention undergone during trial for purpose of Section 428 CrPC |
|---------------------|---------------------|----------------|--------------------------|-----------------------|--------------------------------|-------------------------------|----------------------------------------------------------------------------|
| A1                  | Bhola Manjhi        | 24.02.23       | Not bailed out           | Section 302 IPC       | convicted                      | please see sentencing portion | About 40 months                                                            |

## **Judgement**

The judgment is being divided into the following heads:-

1. Introduction.
2. The facts.
3. Submissions(s) made on behalf of the parties.
4. The point or points for determination.
5. The Evidence.
6. Analysis.
7. Findings.

### **1. Introduction**

A1 stands charged and faced trial for commission of the offence under Section 302 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC" for short) in connection with Minapur (Panapur O. P.) P. S. Case No. 81/2023 registered for the offence under Section 302 IPC. He pleaded not guilty and claimed for trial. Further, he asserted his innocence while responding to the incriminating material put to him under Section 313 of the Criminal Procedure Code, 1973 ( hereinafter referred to as "the Code" for short) (corresponding to Section 351 of the Bhartiya Nagrik Suraksha Sanhita, 2023).

### **2. The facts.**

Briefly stated, the Informant is Suresh Manjhi. He is father of Jitendra Manjhi (since deceased). He has alleged that on 22.02.2023, at about 7:15 p.m. evening, his son was at his house. His neighbour Bhola Manjhi being in drunken condition was abusing the persons of nearby to which his son objected. Thereafter, Bhola Manjhi came out with knife from his house and assaulted his son indiscriminately by means of knife and thereby caused injury on his neck, chest and panjara. When his younger son came to rescue, he was also assaulted but he escaped anyhow. He has further alleged that Bhola Manjhi concealed the knife somewhere. The said knife could not be found even after searching. The injured were taken to the Kanti hospital with the help of villagers in tempo van where his son Jitendra Manjhi was declared brought dead. The local people informed the police. The police also brought Bhola Manjhi to the PHC, Kanti as he had fallen down and sustained injury on his lips and further, he was taken to SKMCH, Muzaffarpur. At the time of lodging FIR, Bhola Manjhi was undergoing treatment in police custody. Finally, it was requested by the Informant for taking legal action against Bhola Manjhi.

### **3. Submissions(s) made on behalf of the parties**

**3.1.** Learned counsel for the State submits that the present case is based on eye accounts of the witnesses. There is direct evidence against the accused. The version of the witnesses stands supported from the medical evidence. The prosecution has successfully proved the case beyond shadow of reasonable doubt. In this backdrop, he prays for holding the accused guilty for the charged offence.

**3.2.** Learned counsel for the accused person submits that there is no independent witness in the present case. There is no motive in the present case. All the private witnesses are related one. The crime weapon (knife) has not been recovered and brought before the court. The accused was in drunken condition. There is contradiction amongst the version of the prosecution witnesses. The prosecution has not proved the case beyond shadow of reasonable doubt. In wake of such submissions, he submits that the accused deserves benefit of doubt.

### **4. The point or points for determination.**

**4.1.** As to whether the prosecution has been successful in proving the charges framed against A1 beyond shadow of all reasonable doubts?

### **5. The Evidence.**

**5.1.** In order to bring home the guilty of the accused person, the prosecution has examined total nine (09) witnesses. They are PW -1 Dr. Vishwa Jyoti, PW - 2 Suresh Manjhi, PW - 3 Sunita Devi, PW - 4 Pinki Devi, PW -5 Suganti Devi @ Dedanti Devi, PW - 6 Manju Devi, PW - 7 Paspati Devi, PW - 8 Chandrachur Thakur (the Investigation Officer) and PW - 9 Pankaj Kumar.

**5.2.** For the sake of brevity, the documentary evidence adduced by the prosecution is not mentioned herein and the same finds place in "Form C" appended to the judgment.

**5.3.** The defence has led neither oral nor documentary evidence to displace the prosecution case.

**5.4. PW-1** Dr. Vishwa Jyoti was examined on 02.01.2025. He had conducted post-mortem upon the body of the deceased. He has deposed as follows:

" 1. On 23.02.2023, I was posted as Tutor in Dept. of F.M.T., SKMCH, Muzaffarpur. On that day, the post-mortem examination done on the dead body of Jitendra Manjhi aged about 30 years, Male S/o - Suresh Manjhi, village - Bangla Tola Panapur, Ward No. 10, P. S. - Minapur (Panapur O. P.), District -

Muzaffarpur. The dead body was brought and identified by BHG 13050 Lalbabu Rai at 09:00 a.m. and I did the post-mortem examination at 09:15 a.m. and following observation are noted :-

(i) There were stab wound of size 1" x 1/2" chest cavity deep with blood clots are present.

(ii) Incised wound of size 3/4" x 1/4" x muscle deep at left side of chest.

(iii) Incised wound of size 5" x 1/4" x muscle deep at left forearm with tearing of muscles of forearm.

2. Internal examination : Left lung are lacerated and blood and blood clots are present in chest cavity. Brain and its meninges are pale. All internal organs including liver, spleen, kidneys were pale.

3. Opinion - The deceased died due to hemorrhage and shock due to above noted injury caused by sharp edged weapon.

4. Time since death - Within 12 to 24 hours from time of post-mortem examination.

5. This post-mortem report has been written by me and bears my signature and official seal and being marked as Exhibit -1".

**5.5.** In cross-examination, he has stated that the post-mortem room, he was along with Sav Wahak Ranjit. The injury shown is caused by weapon like knife. There was no post-mortem injury on the dead body. There was digested food in the dead body at the time of post-mortem. The deceased died between 12 to 24 hours since time of the post-mortem. The length of the weapon by which injury caused may be of one inch but its measurement cannot be done accurately. However, it appears that due to said injury lungs had damaged. The reason for death was excessive bleeding, hemorrhage and shock. There was injury on several part of the dead body, therefore, it cannot happen by falling on the pointed object or iron rod. He declined the suggestion that he did not prepare the post-mortem report in scientific manner.

**5.6. PW - 2** Suresh Manjhi was examined on 13.02.2025. He is the informant of the present case. He deposes that he had lodged this case. The incident had occurred two years before. It was 'Magh' month. It was 7:15 o'clock evening. Bhola Manjhi had come after having food and drink (Bhola Manjhi kha pi kar aaya) and was hurling abuses. Then, his son Jitendra Manjhi asked him as to whom he was abusing. Then, Bhola Manjhi told him (the deceased) that 'madarchod tumko bol rahe hain' and thereafter Bhola Manjhi assaulted the

deceased by means of knife on his neck and panjara twice and given several knife blow on his chest and back. He (Suresh Manjhi) was there. He went to rescue but Bhola Manjhi also assaulted. The injured Jitendra Manjhi was taken to Kanti hospital where he was declared brought dead. The police came and arrested Bhola Manjhi. Bhola Manjhi had also sustained minor injury on his lips which was treated. The deceased was taken to SKMCH, Muzaffarpur and thereafter, he lodged this case. He identified the accused Bhola Manjhi present in the court.

**5.7.** In cross-examination, he has stated that he had no previous enmity with Bhola Manjhi. He cannot say that A-1 had knife from before or he brought it later on. On the day of incident, he was at his house. He had not gone for labour work. He had himself seen Bhola Manjhi assaulting by knife. He declined the suggestion that he had not seen the occurrence and deposed before the court on the basis of hearsay.

**5.8. PW - 3** Sunita Devi was examined on 25.02.2025. She deposes that the incident had occurred two years before. She was at her home. Bhola Manjhi was hurling abuses. Jitendra Manjhi asked him as to why he was abusing. Then, Bhola Manjhi assaulted Jitendra Manjhi on his neck and chest by means of knife. When Jitendra's younger brother Pankaj came to rescue, he was also assaulted but escaped. The injured Jitendra Manjhi was taken to Kanti hospital where he was declared brought dead. The police came and arrested Bhola Manjhi. She identified the accused Bhola Manjhi present in the court.

**5.9.** In cross-examination, she has stated that she cannot tell the day of incident. She happens to be aunt of the deceased. Bhola Manjhi had given knife blow by his right hand. The length of the knife was 'ek bitta' (chaku karib ek bitta ka tha). She declined the suggestion that she was deposing by reason of she being the aunt of the deceased.

**5.10. PW - 4** Pinki Devi was examined on 18.03.2025. She deposes that the incident occurred two years before at about 7:00 p.m. evening. She was cooking food at her house. Bhola Manjhi was hurling abuses in drunken condition. Jitendra Manjhi asked him as to why he was abusing. Then, Bhola Manjhi assaulted Jitendra Manjhi on his neck and chest (kareja) by means of knife. When Jitendra's younger brother Pankaj came to rescue, he was also assaulted but escaped. The injured Jitendra Manjhi was taken to Kanti hospital where he was declared brought dead. The police came and arrested Bhola Manjhi. She identified the accused Bhola Manjhi present in the court.

**5.11.** In cross-examination, she has stated that her and Jitendra's house are opposite to each other. She had seen Bhola Manjhi by herself assaulting by means of knife. She had seen the incident after coming out from her house. The accused had given knife blow. The knife was of 'ek bitta' (chaku karib ek bitta ka tha). Jitendra Manjhi is her neighbour. She had no enmity with Bhola Manjhi. She has declined the submissions that she deposed falsely before the court.

**5.12. PW - 5** Suganti Devi @ Dedanti Devi was examined on 04.04.2025. She deposes that the incident occurred two years before at 7:15 evening. At that time, she was at her home. Bhola Manjhi was hurling abuses in drunken condition. Jitendra Manjhi asked him as to why he was abusing. Then, Bhola Manjhi asked Jitendra Manjhi to come out of house and thereafter, Bhola Manjhi assaulted Jitendra Manjhi on his neck by means of knife twice and further on panjara and chest. The injured Jitendra Manjhi was taken to Kanti hospital where he was declared dead. Thereafter, his post-mortem was done. She identified the accused Bhola Manjhi present in the Court.

**5.13.** In cross-examination, she has stated that she is a neighbour of Jitendra Manjhi. She had seen the occurrence by her own eyes. The knife was of 'ek bitta'. Its handle was of iron. There was no dispute between Jitendra Manjhi and Bhola Manjhi from before. At the time of incident, Bhola Manjhi was in drunken condition. However, Jitendra was not in drunken condition. She declined the suggestion that wife of Bhola Manjhi had illicit relationship with someone other. She further stated that wife of Bhola Manjhi does not stay at his house. She does not know as to where she stays. She does not know as to where daughter of Bhola Manjhi stays and where she is married. She has no enmity with Bhola Manjhi. She declined the suggestion that she deposed falsely before this court.

**5.14. PW - 6** Manju Devi was examined on 13.05.2025. She deposes that the incident occurred two years before in evening. Bhola Manjhi came in drunken condition and started hurling abuses to the villagers. Jitendra Manjhi asked him not to abuse. Then, Bhola Manjhi assaulted Jitendra Manjhi on his neck by means of knife twice and once on his panjara. When Pankaj Manjhi went to rescue, then Bhola Manjhi also assaulted him but he escaped. The injured Jitendra Manjhi was taken to Kanti Hospital where he was declared dead. Thereafter, his post-mortem was done. She identified the accused present in the court.

**5.15.** In cross-examination, she has stated that Jitendra Manjhi happens to be her nephew. She stays near house of Jitendra Manjhi. On hearing noise, she had gone to the place of occurrence. Her and Jitendra's house are adjacent to each other. She had seen assaulting by knife (maine chaku se marte hue dekha tha). She does not know the date of the incident. It had happened about 7:00 p.m. evening. The length of knife was 'ek bitta' (chaku lagbhag ek bitta ka tha). She further stated that she was deposing without any pressure. She declined the suggestion that she was deposing falsely by virtue of being pattidar and close relative of Jitendra Manjhi.

**5.16. PW - 7** Paspati Devi was examined on 16.06.2025. She deposes that the incident had occurred two years before at 7:00 p.m. evening. At that time, she was at her home. Bhola Manjhi started hurling abuses then Jitendra Manjhi went to make him understand. Thereafter, Bhola Manjhi assaulted Jitendra Manjhi on his neck, chest and panjara by means of knife. When Pankaj Manjhi went to rescue him, he was also assaulted but escaped. The injured Jitendra Manjhi was taken to Kanti hospital where he was declared dead. Thereafter, his post-mortem was done in medical. Thereafter, this case was lodged. She identified the accused Bhola Manjhi present in the court.

**5.17.** In cross-examination, she has stated that Jitendra Manjhi happens to be her nephew. The courtyard of her, Jitendra Manjhi and Bhola Manjhi are the same. At that time, Bhola Manjhi was in drunken condition. Jitendra Manjhi was also in drunken condition. She had seen by herself Bhola Manjhi assaulting by means of knife. She does not remember the date of the incident. Bhola Manjhi was abusing Jitendra Manjhi. Bhola Manjhi was abusing the villagers in drunken condition without any reason. The length of knife was 'ek bitta' (chaku lagbhag ek bitta ka tha). Handle of the knife was made of wood. There was no enmity between the parties since before. She declined the suggestion that being aunt of Jitendra Manjhi, she deposed falsely.

**5.18. PW - 8** Chandrachur Thakur was examined on 22.07.2025. He is the Investigation Officer of this case. In sum and substance, he has deposed that on 23.02.2023, he was posted as Sub-Inspector of Police at Panapur O.P. On the same day, he took over the charge of the investigation of Minapur P. S. Case No. 81/2023 from in-charge Minapur P. S. He has proved Exhibit P/2 and Exhibit P/3. He has further deposed that there was huge blood found on the place of occurrence. He had recorded the statement of witnesses namely Umrawati Devi,



Pinki Devi, Asha Kumari, Sauganta Devi, Manju Devi, Sunita Devi, Paspati Devi and Pankaj Kumar. He has further deposed that the place of occurrence is the courtyard of the house of the accused. The boundary of the place of occurrence was like in North - house of Sukul Manjhi, in South - house of Srijan Manjhi, in East - house of Kira Manjhi and in West - house of Yogendra Manjhi. He has further deposed that he arrested the accused and tried to find crime weapon but could not succeed. He obtained post-mortem report. Finally, he submitted the charge sheet bearing no. 71/2023 dated 31.03.2023. He identified the accused present in the Court.

**5.19.** In cross-examination, he has stated that Suresh Manjhi had come for getting the FIR lodged. He does not remember as to what time he had come. He had not taken photo of the dead body. He had not prepared 'Nazri naksha' of the place of the occurrence. He had not demarcated place of occurrence by using lime. Knife had not been recovered from the place of occurrence. None had been called from FSL Department for the purpose of investigating anything. He had taken the accused into custody after he was declared healthy by doctor of SKMCH, Muzaffarpur. He has no knowledge as to whether the accused was in drunken condition or not. He declined the suggestion that the investigation was faulty.

**5.20. PW - 9** Pankaj Kumar was examined on 22.08.2025. He deposes that the incident had occurred on 22.02.2023 at 7:15 p.m. evening. Bhola Manjhi came in drunken condition and started hurling abuses to his brother Jitendra Manjhi. Jitendra Manjhi made him understand (tab Jitendra Manjhi unhe samjhaye). Thereafter, Bhola Manjhi assaulted Jitendra Manjhi on his neck, panjara, thigh and hand by means of knife. When he went to rescue him, Bhola Manjhi also assaulted him by means of knife and he sustained injury on his chest. Thereafter, he ran away from there and made noise. Jitendra Manjhi was taken to Kanti hospital where he was declared dead. His dead body was taken for post-mortem. The police arrested Bhola Manjhi. He identified the accused Bhola Manjhi present in the court.

**5.21.** In cross-examination, he has stated that he is brother of Jitendra Manjhi by blood. Both brother stay in separate house. At the time of incident, Jitendra Manjhi was not in drunken condition but Bhola Manjhi was. He had no enmity with Bhola Manjhi. Bhola Manjhi had come with knife. The knife was about 'ek bitta' in length. He declined the suggestion that he had not seen the occurrence by his own eyes and deposing falsely before the court.

## **6. Analysis.**

### **As to whether, the case of the deceased Jitendra Manjhi was homicidal or not?**

**6.1.** In this regard, it would be appropriate to refer to the evidence of PW - 1 who conducted post-mortem upon the dead body of the deceased. PW - 1 has clearly deposed in his evidence that the deceased had sustained (i) There were stab wound of size 1" x 1/2" chest cavity deep with blood clots are present. (ii) Incised wound of size 3/4" x 1/4" x muscle deep at left side of chest. (iii) Incised wound of size 5" x 1/4" x muscle deep at left forearm with tearing of muscles of forearm. Further, he has opined that the deceased died due to hemorrhage and shock due to the said injury caused by sharp edged weapon. The prosecution has also projected its case being the deceased was assaulted by knife. In cross-examination, the PW - 1 has stated vide paragraph '11' of his cross-examination that the breadth of crime weapon may be 1 inch. There is nothing in his cross-examination which doubts the opinion arrived at by PW -1 and deposed before the court in his examination-in-chief. Thus, this Court is able to safely conclude the first fact that the case of the deceased was a homicide and his death was caused by means of sharp edged weapon.

### **The place and the manner of the occurrence:**

**6.2.** So far as the place of occurrence is concerned in the present case, PW - 8 has stated vide paragraph '4' of his evidence that the place of the occurrence was courtyard (aangan) of the accused. Paragraph '3' of the cross-examination of PW - 7 Paspati Devi puts more clarity about the place of occurrence. She has stated that courtyard of the house of her, Jitendra Manjhi (the deceased) and Bhola Manjhi (A-1) is the same. It is to be further noted that the defence has not tried to dispute the place of occurrence in the cross-examination of any of the witnesses. Even, the fact of place of occurrence being deposed by PW - 8 who is the Investigation Officer of this case has not been questioned in any manner whatsoever on behalf of the defence in his cross-examination.

**6.3.** The manner of the occurrence has been vividly explained by the private witnesses. They all have deposed in unequivocal terms that the deceased was given multiple knife blow on his neck, chest and panjara and the same finds corroboration from the post-mortem report (Exhibit P-1). It is further placed on record that broadly, the defence has not questioned the manner of occurrence as brought on record by the prosecution in the respective cross-examination of the

concerned witnesses. PW - 2 has deposed in his evidence that Bhola Manjhi assaulted twice on the neck of deceased and multiple assault on his panjara, back and chest. There is nothing in his cross-examination which falsify the fact that the deceased was not assaulted on his neck, chest, panjara and other part of the body. Rather, PW - 2 has reaffirmed his evidence by stating in paragraph '6' of his cross-examination that he had himself seen A-1 assaulting by means of knife. The evidence of PW - 2 stands corroborated from the evidence of PW - 3, PW - 4, PW - 5, PW -6, PW - 7 and PW - 9 and further from the manner of occurrence as alleged in the FIR. Thus, taking the holistic evaluation of the evidence on record, this court finds that the prosecution has successfully proved the material issue, that is, the manner of occurrence and the place of the occurrence beyond shadow of all reasonable doubts.

**The evidence on record against the accused Bhola Manjhi (A-1):**

**6.4.** The evidence against involvement of A-1 on the record is very clean and clear. All the witnesses are consistent in naming the present accused behind commission of the crime in question. PW - 2, PW - 3, PW - 4, PW - 5, PW - 6, PW - 7 and PW - 9 have clearly stated in their evidence that it was A-1 who assaulted the deceased by means of knife. There is nothing in the cross-examination of any of the witnesses which throws any light for doubting the involvement of A-1. PW - 2 has stated in paragraph '6' of his cross-examination that he had seen Bhola Manjhi assaulting by knife. PW - 3 has stated vide paragraph '5' of his cross-examination that A-1 was holding knife in his right hand and the length of knife was about 'one bitta'. PW - 4 has stated in paragraph '4' of his cross-examination that A-1 had assaulted by means of knife. The knife was about 'one bitta'. PW - 8 has stated in his evidence that he had arrested Bhola Manjhi (A-1). Thus, the evidence of implication of the present accused finds corroboration in all material aspect and further from the initial version mentioned in the FIR. The defence has failed to bring on record any suspicious evidence which is able to falsify the rightful implication of the present accused.

**6.5.** An unique position has emerged in the present case by virtue of ocular evidence wherein the witnesses have deposed that the accused was in the state of intoxication at the time of occurrence. However, neither medical evidence nor any specific plea on behalf of the accused is available on the record. But it is to be mentioned here that the accused has raised an argument that he was in intoxication condition while committing the crime but without any proof. PW - 8

(the Investigation Officer) who had opportunity to arrest the accused and get him medically examined, has stated in paragraph '9' of his cross-examination that he does not know as to whether the accused was in drunken condition or not at the time of treatment. It is worthwhile to mention here that the defence despite knowing the fact that the accused got medically examined just after arrest, he has not taken any effort either to ask this Court to get his medical report on record to verify his plea though made casually that the accused was in drunken condition. Thus, there is no scientific or medical report on record either in terms of blood report or otherwise to support the fact that the accused was intoxicated at the relevant point of time.

**6.6.** So the next argument comes that if this Court trust the prosecution witnesses on all other counts then why not on the point of the fact that he was in drunken condition at the time of committing the offence and therefore, the benefit of such drunken condition should be extended to the accused. So to speak, the argument appears to be convincing for the time being, but the larger question remains open to look at as to whether, (even for the sake of argument, it is assumed that the accused was in such state of drunken condition), he was not able to understand the consequences of his act. In this regard, in absence of scientific evidence, the physical indicator needs to be taken into account like slurring or stumbling to assess the level of intoxication. However, there is nothing like such physical indicator either in the examination-in-chief of the witnesses or in their respective cross-examination. There is nothing on record to say that the percentage of alcohol in the body of the accused was such that he was not able to control himself or understand the consequences of this act. Further, the accused has not stated in his statement recorded before the Court that he was in intoxicated condition at the relevant point of time. So, just on the basis of ocular evidence of prosecution witnesses and in the absence of scientific evidence/chemical examination report, this court is not able to conclude that the accused was in drunken condition and the percentage of intoxication was such that he was not able to understand the consequences of his act. Therefore, this court is not able to extend any benefit to the accused on this count. And since this is a general exception under the IPC and such facts must be conclusively come on the record which has not happened in the present case. Further, even in the evidence of prosecution witnesses, it has not come on the record that on what basis they were telling that the accused was in drunken condition and the defence has also not

tried to give much focus on this aspect in their respective cross-examination. Of course, it is a cardinal principle of law that the prosecution has to prove its case beyond shadow of reasonable doubt, but when the question of general exception comes, this Court feels that the accused is not absolved of his duty to prove it given the fact that simply the prosecution witnesses have stated in their evidence that the accused was in intoxicated condition but no scientific evidence is available on record to this effect.

**Other aspects:**

**6.6.** So far as the argument with regard to non-recovery of crime weapon (knife in the instant case) is concerned, the legal position is well settled that its non-recovery is not fatal to the prosecution case if there is reliable, credible and consistent ocular evidence pointing guilty of the accused in the given case. In the present case, ocular testimony is fully corroborated from the medical evidence to the extent that medical evidence clearly suggests that the injury appeared upon the body of the deceased was incised wound and caused by sharp edged weapon.

**6.7.** The argument with regard to the fact that the witnesses are related one is not able to pursue this court to disbelieve the prosecution version. It is for the simple reason that there is nothing on record to show that the witnesses by giving his/her evidence in support of the prosecution and against the accused would derive any benefit. Hence, this argument is discarded.

**6.8.** The argument with regard to absence of motive is concerned, the Hon'ble Supreme Court has consistently reiterated the position in catena of the judgment that motive is not *sine qua non* in a case of murder and in particular when it is based on direct evidence. In other words, in case of direct evidence, the motive becomes insignificant consideration before the Court. Hence, the present argument is also of no help for the accused.

**6.9.** In the present case, the intention of the accused appears to be quite clear. It can be gathered from the fact that multiple knife blow was given on vital part of the body of the deceased. Therefore, in all probability, it can be concluded that the accused was well aware of the consequences of such assault that the injured may die in all circumstances.

**6.10.** In the present case, there is strong, reliable and convincing ocular evidence duly corroborated from the post-mortem report and the allegation made in the FIR without any sort of substantial contradiction posing threat to its credibility. The contours of Section 300 IPC stands established in the present case and

against A - 1. This Court is of informed conclusion by taking into account the evidence available on record that it was A - 1 who had committed the murder of the deceased intentionally and the prosecution has proved this fact beyond shadow of all reasonable doubt.

**7. Findings.**

**7.1.** As a consequence of the analysis/discussion made above, Bhola Manjhi (A-1) is found and hold guilty for commission of the offence punishable under Section 302 IPC for causing murder of Jitendra Manjhi (since deceased).

**7.2.** The accused Bhola Manjhi (A-1) is in judicial custody. He has been produced before the court.

**7.3.** PW - 2 Suresh Manjhi (father of the deceased) is hereby declared victim in terms of Section 2(wa) of the Criminal Procedure Code, 1973, (Analogous to Section 2(1)(y) of the Bhartiya Nagrik Suraksha Sanhita, 2023) for the purpose of compensation, if any.

**7.4.** Let this case be put for hearing on the point of sentence on 08.06.2026.

**Pronounced, signed and sealed in the open court on this 25<sup>th</sup> Day of May, 2026.**

(Suman Kumar Divakar)  
Addl. Sessions Judge-V  
Muzaffarpur

**FORM C**

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

| RANK | NAME                                           | NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|------|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| PW-1 | Dr. Vishwa Jyoti                               | Medical Witness                                                                                                 |
| PW-2 | Suresh Manjhi (the Informant)                  | Eye Witness                                                                                                     |
| PW-3 | Sunita Devi                                    | Eye Witness                                                                                                     |
| PW-4 | Pinki Devi                                     | Eye Witness                                                                                                     |
| PW-5 | Suganti Devi @ Dedanti Devi                    | Eye Witness                                                                                                     |
| PW-6 | Manju Devi                                     | Eye Witness                                                                                                     |
| PW-7 | Paspati Devi                                   | Eye Witness                                                                                                     |
| PW-8 | Chandrachur Thakur (the Investigation Officer) | Police Witness                                                                                                  |
| PW-9 | Pankaj Kumar                                   | Eye Witness                                                                                                     |

B. Defence Witness, if any:

NIL

C. Court Witness, if any:

NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS.

| Serial No. | Exhibit Number    | Description                                                                 |
|------------|-------------------|-----------------------------------------------------------------------------|
| 1.         | Exhibit P1/PW - 1 | Post-Mortem report                                                          |
| 2.         | Exhibit P2/PW -8  | Endorsement made on written application by Rajesh Kumar, SHO, Minapur P. S. |
| 3.         | Exhibit P3/PW-8   | Inquest Report (Carbon copy)                                                |

(Suman Kumar Divakar)  
Addl. Sessions Judge-V,  
Muzaffarpur

**08.06.2026: On the point of the sentence.**

The convict has been produced from the custody. Learned Counsel for the parties are present before the court.

Learned Additional Public Prosecutor submits that the convict has committed very heinous offence. He further prays for awarding maximum sentence provided under the law to deter others to commit the offence in future.

Learned Defence Counsel submits that the convict is first time offender. The present case does not fall under the category of 'rare of the rarest' cases. He further prays for leniency in awarding the sentence.

Section 302 IPC reads as 'whoever commits murder shall be punished with death, or imprisonment for life, and shall also be liable to fine.

Heard the parties. Considered the submissions. Regard being had to all the attending circumstances available on record coupled with the manner in which, the present crime has been committed, this Court does not find that the act of the convict falls under category of 'rare of the rarest' cases. Hence, this Court proposes to pass the following order:

**Order**

1. The convict Bhola Manjhi is sentenced to undergo imprisonment for life and a fine of Rupees 25,000/- (Twenty five thousand) for commission of the offence punishable under Section 302 IPC. In default to pay fine, he is sentenced to undergo one (01) year simple imprisonment.
2. The period of custody already undergone by the convict would be set off, if applicable under provision of the law.
3. Office Clerk is directed to supply a copy of the Judgement and Order to the convicts forthwith. He/She is further directed to send a copy of the Judgement to the District Magistrate, Muzaffarpur in terms of Section 395 of the Bhartiya Nagrik Surakasha Sanhita, 2023 (Analogous to Section 365 of the Criminal Procedure Code, 1973). He/she is further directed to prepare a warrant of imprisonment which, in turn, would be sent to the concerned for kind information and needful.
4. Office clerk is further directed to send a copy of this Judgment to the Secretary, District Legal Services Authority (In short 'DLA'),



Muzaffarpur for doing needful for the purpose of awarding compensation to the victim in terms of mandate as stipulated under the Bhartiya Nagrik Surakasha Sanhita, 2023. (Old Criminal Procedure Code, 1973).

5. The convict has been informed in the open court that he has right to appeal against the Judgment before the Hon'ble Court. He has been further informed that either through Jail Superintendent or relatives or by himself, he may get in touch with **Patna High Court Legal Services Committee, Patna. (The Contact Number is 0612-2504475, 2504477. E-mail id: phclsc@gmail.com) for free legal aid.**
6. Office Clerk is further directed to keep the case records safe, secure and in ready position for onward transmission to the Hon'ble Court , in case, an appeal is preferred against the Judgment.

**Pronounced, signed and sealed in the open court on this 08<sup>th</sup> day of June, 2026.**

(Suman Kumar Divakar)  
Addl. Sessions Judge-V  
Muzaffarpur