

<u>IN THE COURT OF A.C.J.M - 1st (W), MUZAFFARPUR</u> CIVIL COURT, MUZAFFARPUR, BIHAR DATE OF JUDGMENT:- 29.04.2026 Kudhani CASE NO:- 436/2015 Gr. NO:- 3073/2015	
Informant	<i>Dhiraj Kumar, S/o Late Ramakant Singh</i> <i>R/o- Jagdishpur, P.S.- Velshar O.P, District-Vaishali</i>
Represented by	Ld. A.P.O Ayush Sinha
Accused	1. Manoj Kumar, S/o Phooldev Singh @ Phuleshwar Singh R/o Village- Koeriya Nizamat, P.S- Paroo, District – Muzaffarpur
Represented by	Advocate- Sunil Kumar Singh

FORM B

Date of offence	03.12.2015
Date of F.I.R.	04.12.2015
Date of Chargesheet	10.03.2016
Date of cognizance	27.07.2016
Date on which charge framed / Accusation Explained	24.10.2019
Date of commencement of evidence	18.12.2019
The date on which Judgment is reserved	29.04.2026
Date of Judgment	29.04.2026
Date of sentencing Order, if any	-----

Accused details

The rank of the accused	Name of the 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.	Manoj Kumar	NA	01.02.16	U/s- 279, 304(A) of IPC	Acquittal	NA	NA

Judgment

1. In the instant case accused person namely, 1. Manoj Kumar is facing trial for committing the offences punishable U/s 279, 304(A) of IPC.
- 2 The story of the informant in brevity is that on 03.12.2015, at about 5:30 p.m., his brother, Chandan Kumar and his cousin brother, Amresh Singh had gone to Muzaffarpur on a Pulsar Motorcylce bearing registration No. BR315-2890 to purchase seeds of wheat. At about 9:30 p.m., Kundan Kumar, who is also his cousin, informed his family over the phone that Chandan

Kumar and Amresh Singh had died on Akraha bridge after being hit by an unknown vehicle, and that their bodies were lying on the road. Upon receiving this information, he, along with his family members and many other villagers, immediately reached Akraha Bridge, where they found the dead bodies of his brother Chandan Kumar and his cousin Amresh Singh lying on the bridge of road.

- 3 On the basis of the aforesaid informant, this case was registered bearing F.I.R. No. 436/2015 dated 04.12.2015 U/s- 279, 304(A) of IPC. Accordingly the formal F.I.R. was drawn. It said the law in motion that result into the initiation of process of investigation after completion of the same the police submitted chargesheet No. 44/2016 dated 10.03.2016 against the above named accused person for the offences U/s 279, 304(A) of IPC and the J.M. 1st class Muzaffarpur took the cognizance against the accused person for the offence U/s 279, 304(A) of IPC on dated 27.07.2016.
- 4 The substance of accusation has been explained to the accused person for committing the offence punishable U/s 279, 304(A) of IPC on dated 24.10.2019 to which he pleaded not guilty and claimed to be tried.
- 5 After prosecution evidence closed the accused person statement was recording U/s 313 Cr.P.C. and he pleaded his innocence and has been falsely implicated in this case.
- 6 On the basis of the aforementioned facts and circumstance the main point for determination is as to whether the prosecution had succeed in proving the charges against the accused person beyond all reasonable doubts?

FINDINGS

- 7 In the course of trial, prosecution has not produced any single witness in support of his case.
- 8 The substance of accusation has been explained to the accused

person on dated 24.10.2019. Thus, altogether seven years of time have been given to the prosecution to produce their witnesses and prove his case. Court has made his all effort and issued summon and BW against the witnesses but prosecution did not brought any of his witnesses before the court. No one turn up to support the prosecution case. The approach of the prosecution was lethargic from the beginning and hence even after the processes issued against the witnesses, no one bothered to comply it. Prosecution is duty bound to prove the charges beyond all reasonable doubts but nothing happened in this case. Sufficient time has been given to the prosecution but neither informant nor any other witnesses turn up to support the prosecution case. Actually it is a case of no evidence and there is nothing on record to discuss. Thus, in absence of the non examination of the informant, non examination of the I.O. and any other independent witnesses. Cumulatively, makes the prosecution case is highly doubtful.

- 9 On the basis of discussions made above, I found and accordingly hold that prosecution has failed to prove the charges level against the accused person beyond the said all reasonable doubts.

ORDER

10 Accordingly, the accused person namely, **1. Manoj Kumar** facing trial in this case is hereby **acquitted** from the charges of offences u/s 279, 304(A) of IPC and their bailors are also discharged from the liabilities of their respective bail bonds. Also, o/c is directed to deposit the record in the record room as per the rule.

11 Judgment has been written, (typed) corrected dated signed and sealed and pronounced by me in open court today dated 29th Day of April, 2026.

Dated: 29th Day of April, 2026.

Typed and Corrected

Sd/-

(Naresh Mahto)
Additional Chief Judicial Magistrate 1st
Muzaffarpur (West)

APPENDIX

FORM C
LIST OF PROSECUTION/DEFENCE/COURT WITNESSES
A. PROSECUTION WITNESS

Rank	Name
PW	NIL

B. DEFENCE WITNESS

Rank	Name
DW	NA

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS
A: PROSECUTION

Sr. No	Exhibit Number
1.	NIL

B: DEFENCE

Sr. No	Exhibit Number
1	NIL

C: COURT EXHIBITS

Sr. No	Exhibit Number
1	NIL

C: MATERIAL EXHIBITS

Sr. No	Exhibit Number
1	NIL

Date of Judgment/Order	29-04-2026
Date of Reserving Judgement / Order	29-04-2026
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