



Presented on : 06-03-2019
Registered on : 06-03-2019
Decided on : 26-05-2026
Duration : 7 years, 2 months, 20 days

FORM – A

IN THE COURT OF DISTRICT & ADDL.SESIONS JUDGE-II nd , Nalanda at Biharsharif <u>Present: Khyati Singh</u>	
[Date of Judgment – 26.05.2026]	
State Versus Md. Mumtaz Alam	
Sessions Trial No. 113/2019, CNR No. BRNL010020832019	
[Arising out of Deepnagar P.S. Case No. 12/2018, GR No. 89/2018]	
PROSECUTION/INFORMANT	Rakesh Ranjan Raj
REPRESENTED BY	Sri Sunil Kumar Sinha, Ld. Addl. P.P.
ACCUSED PERSON	Md. Mumtaz Alam, aged about 53 years, son of Samsuddin Alam, resident of village-Mirdad, P.S.- Bihar, District- Nalanda
REPRESENTED BY	Sri Mahesh Paswan (Ld. Advocate)

FORM – B

Date of offence	11.01.2018
Date of FIR	12.01.2018
Date of charge sheet	31.08.2018
Date of cognizance	03.11.2018
Date of commitment	26.02.2019
Date of framing of charge	07.08.2019
Date of commencement of evidence	28.04.2025
Date on which Judgment is reserved	-
Date of the Judgment	26.05.2026
Date of the Sentencing order	-

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ACCUSED DETAIL

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of section 428, Cr. P.C.
A1	Md.Mumtaz Alam @ Mumtaz Alam	23.08.18	14.02.19	U/s 395 IPC	Acquitted	-	-

FORM C

Prosecution Witnesses

RANK	NAME
P.W.1	Amarjeet Kumar
P.W.2	Abhishek Kumar @ Shekh Kumar

FORM D

Defence Witnesses

RANK	NAME
NIL	NIL

FORM E

Court Witnesses, if any

RANK	NAME
NIL	NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A Prosecution

S.No	Exhibit number	Description
1	NIL	NIL

Defence exhibits:-

Sl No.	Exhibit number	Description
1.	NIL	NIL

C. Court Exhibits

Sl No.	Exhibit number	Description
1.	NIL	NIL

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JUDGMENT

1.	The above named accused person stands charged for committing the offences punishable u/s 395 of the IPC.
2.	The case of the prosecution as unfolded in the written report of the informant, namely, Rakesh Ranjan Raj, in brief, is that on 11.01.2018 at about 10:00 PM, while he was going to Mehnor, four unknown accused persons committed theft and took his gold chain and Rs. 25,000/- cash by blocking his way on the butt of pistol. It has been further alleged that the accused persons assaulted him and took all his articles including the mobile.
3.	The said written report of the informant gave birth to the institution of Deepnagar P.S. case no. 12/2018 dated 12.01.2018 registered u/s 392 of the IPC against the unknown four accused persons. The I.O. has submitted the charge sheet bearing No. 308/18 dated 31.08.2018 against the accused Mumtaz Alam u/s 395 of the IPC.
4.	The cognizance of the offences was taken by the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif on 03.11.2018 u/s 395 of the IPC against the above named accused person and the case was committed to the Court of Sessions on 26.02.2019. After that, the case record was received to the Court of Sessions on 06.03.2019 and then in due course of time it came to the file of this Court on 03.06.2022.
5.	The charge was framed against the above named accused person u/s 395 of the IPC and the same was read over and explained to him in Hindi on 07.08.2019 to which he pleaded not guilty and claimed to be tried.
6.	The defence of the accused person is the total denial of allegation levelled against him and his involvement in the occurrence and he has stated that he is innocent and has been made victim of the false implication.

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7.

Now, the point for determination in this case is whether the prosecution has been able to prove the charge levelled against the accused person beyond the shadow of all reasonable doubts.

8.

FINDINGS

(a)

In this case the prosecution has adduced and examined altogether two witnesses mentioned as follows :-

S.No	NAME OF THE WITNESSES	EVIDENCE
1	Amarjeet Kumar	P.W.1
2	Abhishek Kumar @Shekh Kumar	P.W.2

(b)

The prosecution has adduced no any documentary evidence -

S.No	Exhibit number	Description
1	NIL	NIL

On the other hand, neither oral nor documentary evidence has been adduced on behalf of the defence.

Now, the evidence ,thus, adduced and examined shall be analysed in the light of the material particulars of this case as under:

9.

P.W-1 Amarjeet Kumar

has said in his examination in chief that he recognizes the informant Rakesh Ranjan Raj but he does not know about the occurrence. He said that he had received the warrant then he came to know that he is the witness in this case. He further said that his statement was not recorded by the Police. After that this witness has been declared hostile by the prosecution. In his cross examination in para-5 he said that he is not having any enmity with the informant. Again, he said in para-6 that he does not know anything about the occurrence.

10.

PW-2 Abhishek Kumar @ Shekh Kumar

has said that he does not recognize the informant Rakesh Ranjan Raj and he does not know about the occurrence. He has denied to have deposed before the Police. After that he has been declared hostile by the prosecution. In his cross examination in

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	para-5 he said that the distance of his village from Khandakpar is about 10 Kms.
11.	The learned counsel appearing on behalf of the accused person submitted during argument that the accused person is innocent and has been falsely implicated in this case. He has further advanced his argument that none of the witness has supported the prosecution case. Also, neither the informant nor the I.O. or the doctor has been examined in this case. As such, the accused person deserves the acquittal. On the other hand, the learned Addl.P.P. has argued that the occurrence took place, but why the witnesses have not supported the prosecution case, the reasons best known to them.
12.	Heard both the parties and perused the record. From perusal of the record it transpires that altogether two witnesses have been produced and examined by the prosecution. PW-1 has said in his evidence that he recognizes the informant but he does not know about the occurrence and he came to know that he is a witness after receiving the warrant. He has denied to have deposed before the Police. PW-2 has said in his evidence that he does not recognize the informant and also he does not know about the occurrence. Both the witnesses have been declared hostile by the prosecution. Hence, the evidence of these two witnesses is full of lacunae and is not going to support the prosecution in any way. None other witness including the informant came before the Court to support the prosecution case though ample opportunities were given and the processes were issued by the Court. But, all was in vain.
13.	Thus, in view of the aforesaid facts and circumstances and the discussion made above, I find that the prosecution has miserably failed to establish the charge leveled against the above named accused person u/s 395 of the IPC beyond shadow of all reasonable doubts. Accordingly, the accused person Md. Mumtaz Alam @ Mumtaz Alam is acquitted under the aforesaid

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charge. He is set at liberty and is discharged from the liability of his bail bond.

Sd/-
(Khyati Singh)
Distt. & Additional Sessions Judge -IInd
Nalanda at Biharsharif
26-05-2026

Dictated & Corrected by me,
Sd/-
(Khyati Singh)
Distt. & Additional Sessions Judge – IInd
Nalanda at Biharsharif
26-05-2026

Date of Judgment/Order	26-05-2026
Date of Reserving Judgment/Order	-
Date of Uploading	10-06-2026
Uploaded by	kundan