



Presented on : 16-11-2024
Registered on : 16-11-2024
Decided on : 12-06-2026
Duration : 1 years, 6 months, 26 days

FORM – A

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-IInd, Nalanda at Biharsharif	
<u>Present : Khyati Singh</u>	
[Date of Judgment – 12.06.2026]	
State Versus Vijay Bind & Others	
Sessions Trial No. 901/2024, CNR No. BRNL010080122024	
[Arising out of Nalanda P.S. Case No. 150/2023, CRI. No. 1398/2023]	
PROSECUTION/INFORMANT	Jitendra Bind
REPRESENTED BY	Sri Sunil Kumar Sinha, Ld. Addl. P.P.
ACCUSED PERSON	1. Vijay Bind, aged about 66 years, S/o Baidyanath Bind, 2. Ganesh Bind, aged about 31 years, S/o Vijay Bind, 3. Dinesh Bind, aged about 28 years, S/o Dhananjay Bind, 4. Deepak Bind, aged about 26 years, S/o Dhananjay Bind, all are r/o village-Pathala Tilha, P.S.-Nalanda, District Nalanda
REPRESENTED BY	Sri S. Gautam (Ld. Advocate)

FORM – B

Date of offence	15-06-2023
Date of FIR	15-06-2023
Date of charge sheet	31-08-2023
Date of cognizance	30-10-2023
Date of commitment	13-11-2024
Date of framing of charge	03-06-2025
Date of commencement of evidence	03-11-2025
Date on which Judgment is reserved	-
Date of the Judgment	12-06-2026
Date of the Sentencing order	-

**IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-II,
Nalanda at Biharsharif**

Present : Khyati Singh

Sessions Trial No. 901/2024, CNR No. BRNL010080122024

[Arising out of Nalanda P.S. Case No. 150/2023, CRI. No. 1398/2023]

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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	Vijay Bind	15.06.23	20.07.23	U/s 341/34, 323/34, 307/34, 354/34, 504/34 IPC	Acquitted	-	-
A2	Ganesh Bind	-	02.08.23	- DO -	Acquitted	-	-
A3	Dinesh Bind	15.06.23	20.07.23	- DO -	Acquitted	-	-
A4	Deepak Bind	-	02.08.23	- DO -	Acquitted	-	-

FORM C

Prosecution Witnesses

RANK	NAME
P.W.1	Jitendra Bind
P.W.2	Fulwanti Devi

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	P-1/PW-1	Signature of the informant on the written report

Defence exhibits:-

Sl No.	Exhibit number	Description
1.	NIL	NIL

C. Court Exhibits

Sl No.	Exhibit number	Description
1.	NIL	NIL

JUDGMENT

**IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-II,
Nalanda at Bihar Sharif**

Present : Khyati Singh

Sessions Trial No. 901/2024, CNR No. BRNL010080122024

[Arising out of Nalanda P.S. Case No. 150/2023, CRI. No. 1398/2023]

[Date of Judgment – 12.06.2026]

1.	The above named accused persons stand charged for committing the offences punishable u/s 341/34, 323/34, 307/34, 354/34, 504/34 of the IPC.
2.	The case of the prosecution as unfolded in the written report of the informant, namely, Jitendra Bind, in brief, is that on 15.06.2023 at about 11:30 A.M., the accused Vijay Bind, Ganesh Bind, Dinesh Bind and Deepak Bind were digging the soil of the Pain adjacent to his house. When the informant went to protest that, the accused Vijay Bind caught hold of his waist and the accused Ganesh Bind attacked at his head due to which he sustained cut injury at his head and he smeared with blood. When the informant's wife Fulwanti Devi came to save him, the accused Dinesh Bind fell her down by holding her hairs and the accused Deepak Bind pulled her Saree due to which she became half naked and he took out her Mangalsutra also. It has been further alleged that all the accused persons assaulted the informant and his family members with rod, stick, fist and legs. It has been stated that the cause of occurrence is the dispute of land relating to Pain.
3.	The said written report of the informant gave birth to the institution of Nalanda P.S. case no. 150/2023 dated 15.06.2023 registered u/s 342, 323, 307, 354, 379, 504, 34 of the IPC against the accused persons as named in the written report. The I.O. has submitted the charge sheet bearing No.216/2023 dated 31.08.2023 against the above named accused persons u/s 341, 323, 307, 354, 504, 34 of the IPC.
4.	The cognizance of the offences was taken by the learned Judicial Magistrate-1st Class, (JMFC-VIII), Nalanda at Bihar Sharif on 30.10.2023 u/s 341, 323, 307, 354, 504/34 of the IPC against the above named accused persons and the case was committed to the Court of Sessions on 13.11.2024. After that, the case record was received to the Court of Sessions on 14.11.2024 and then in due course of time it came to the file of this Court on 16.11.2024.
5.	The charges were framed against the above named accused persons u/s 341/34, 323/34, 307/34, 354/34, 504/34 of the IPC and the same were read over and explained to them in Hindi on 03.06.2025 to which they pleaded not

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guilty and claimed to be tried.

6. The defence of the accused persons is the total denial of allegations levelled against them and their involvement in the occurrence and they have stated that they are innocent and have been made victim of the false implication.

7. Now, the point for determination in this case is whether the prosecution has been able to prove the charges levelled against the accused persons 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	Jitendra Bind	P.W.1
2	Fulwanti Devi	P.W.2

(b) The prosecution has adduced one documentary evidence -

S.No	Exhibit number	Description
1.	P-1/PW-1	Signature of the informant on the written report

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

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

P.W-1 Jitendra Bind the informant, has proved his signature on the written report as Exhibit-P1/PW-1 in his examination in chief. He further said that the occurrence took place two years back at about 11:30 AM. At that time he was at his house and the accused Vijay, Dinesh, Ganesh and Deepak were digging the soil by JCB. When he protested to it, the accused persons started assaulting him and he sustained injury. His wife Fulwanti Devi, mother Leela Devi and sister Junti Kumari came to save him. He further said that the accused persons scuffled with him and during course of this scuffle his wife fell down due to which she sustained injury and her Mangalsutra also fell down there and in course of that her sister Junti Kumari also sustained injury.

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[Arising out of Nalanda P.S. Case No. 150/2023, CRI. No. 1398/2023]

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He further said that after assault he went to the Police station from there he went to the Hospital where he was treated. The Police had recorded his re-statement. In his cross examination in para-7 he said that the accused persons are his Gotiyas and he is having land dispute with them. He further said that the land dispute which was with them at that time has been resolved. He also said that the accused persons also filed a case against him and his family members for the occurrence of that date. In para-8 he said that both the cases have been compromised. He also said in para-10 that the assault was made with fist-slaps. In para-11 he said that the Mangalsutra had fallen near the place of occurrence which was found later on. In para-12 he said that he does not want to contest this case because he is having cordial relationship with the accused persons.

P.W-2 Fulwanti Devi has been declared hostile by the prosecution and has not supported the case at all.

10. The learned counsel appearing on behalf of the accused persons submitted during argument that the accused persons are innocent and have been falsely implicated in this case. He has further advanced his argument that none of the witness including the informant and his wife has supported the prosecution case. As such, the accused persons deserve 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.

11. 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, the informant, has contradicted in his examination in chief itself stating that the accused persons scuffled with him and during course of this scuffle his wife fell down due to which she sustained injury and her Mangalsutra also fell down there and in course of that her sister Junti Kumari also sustained injury. In his cross examination also he said that the assault was made with fist and slaps. He also admitted that there was land

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dispute between the parties which has been resolved. He further said that he does not want to contest this case. Hence, the evidence of the informant itself is full of lacunae and is not going to support the prosecution in any way. Further, the another witnesses i.e. P.W-2 who is the wife of the informant and one of the victim in this case has been declared hostile by the prosecution and has not supported the prosecution case at all. None other witness including the I.O. and the doctor 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.

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 charges levelled against the above named accused persons u/s 341/34, 323/34, 307/34, 354/34, 504/34 of the IPC beyond shadow of all reasonable doubts. Accordingly, the accused persons, namely, **(1) Vijay Bind, (2) Ganesh Bind, (3) Dinesh Bind and (4) Deepak Bind** are acquitted under the aforesaid charges. They are set at liberty and are discharged from the liability of their respective bail bonds.

Sd/-
(Khyati Singh)
Distt. & Additional Sessions Judge -IInd
Nalanda at Biharsharif
12-06-2026

Dictated & Corrected by me,

Sd/-

(Khyati Singh)
Distt. & Additional Sessions Judge – IInd
Nalanda at Biharsharif
12-06-2026

Date of Judgment/Order	12-06-2026
Date of Reserving Judgment/Order	-
Date of Uploading	27-06-2026
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