



Presented on : 18-11-2024
Registered on : 18-11-2024
Decided on : 30-06-2026
Duration : 1 years, 7 months, 12 days

FORM – A

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-IInd, Nalanda at Biharsharif	
<u>Present : Khyati Singh</u>	
[Date of Judgment – 30.06.2026]	
State Versus Gagar Rajak & Others	
Sessions Trial No. 912/2024, CNR No. BRNL010080722024	
[Arising out of Sarmera P.S. Case No. 79/2023, CRI. No. 1784/2023]	
PROSECUTION/INFORMANT	Balwant Kumar
REPRESENTED BY	Sri Sunil Kumar Sinha, Ld. Addl. P.P.
ACCUSED PERSONS	1. Gagar Rajak, aged about 56 years, s/o Late Chet Rajak, 2. Shrawan Kumar @ Rajak, aged about 25 years, s/o Gagar Rajak 3. Mukesh Kumar, aged about 36 years, s/o Vilas Ram, 4. Shivam Kumar, aged about 23 years, s/o Manoj Ram, 5. Rajeev Kumar, aged about 28 years, 6. Rakesh Kumar, aged about 35 years, both sons of s/o Ghanshyam Ram, all are residents of village-Isua, P.S. Sarmera, District Nalanda
REPRESENTED BY	Sri Binod Yadav (Ld. Advocate)

FORM – B

Date of offence	29-04-2023
Date of FIR	01-05-2023
Date of charge sheet	31-08-2023
Date of cognizance	12-02-2024
Date of commitment	19-10-2024
Date of framing of charge	21-11-2024
Date of commencement of evidence	21-12-2024
Date on which Judgment is reserved	-
Date of the Judgment	30-06-2026
Date of the Sentencing order	-

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

Present : Khyati Singh

Sessions Trial No. 912/2024, CNR No. BRNL010080722024

[Arising out of Sarmera P.S. Case No. 79/2023, CRI. No. 1784/2023]

[Date of Judgment – 30.06.2026]

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	Gagar Rajak	-	01-06-23	U/s 147, 341/149, 323/149, 307/149, 504 IPC	Acquitted	-	-
A2	Shrawan Kumar @ Rajak	-	01-06-23	- DO -	Acquitted	-	-
A3	Mukesh Kumar	-	01-08-23	- DO -	Acquitted	-	-
A4	Shivam Kumar	-	01-08-23	- DO -	Acquitted	-	-
A5	Rajeev Kumar	-	01-08-23	- DO -	Acquitted	-	-
A6	Rakesh Kumar	-	01-08-23	- DO -	Acquitted	-	-

FORM C

Prosecution Witnesses

RANK	NAME
P.W.1	Balwant Kumar
P.W.2	Sampoorn Kumar
P.W.3	Shiv Kumar Singh
P.W.4	Ranjan Kumar

FORM D

Defence Witnesses

RANK	NAME
NIL	NIL

FORM E

Court Witnesses, if any

RANK	NAME
NIL	NIL

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

Present : Khyati Singh

Sessions Trial No. 912/2024, CNR No. BRNL010080722024

[Arising out of Sarmera P.S. Case No. 79/2023, CRI. No. 1784/2023]

[Date of Judgment – 30.06.2026]

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

B. Defence exhibits:-

Sl No.	Exhibit number	Description
1.	NIL	NIL

C. Court Exhibits

Sl No.	Exhibit number	Description
1.	NIL	NIL

JUDGMENT

1.	The above named accused persons stand charged for committing the offences punishable u/s 147, 341/149, 323/149, 307/149, 504 of the IPC.
2.	The case of the prosecution as unfolded in the written report of the informant, namely, Balwant Kumar, in brief, is that on 27.04.2023 during course of playing the cricket an argument took place between the co-villagers of the informant, namely, Om Kumar and Shrawan Kumar. On 29.04.2023 at about 6 PM, the informant and his nephew Sampoorna Kumar went to his Mango orchard then, due to previous matter the accused Gagar Rajak, Shrawan Kumar, Mukesh Ram, Shivam Kumar, Rajeev Kumar and Rakesh Kumar surrounded them and started assaulting them with iron rod and stick due to which the informant sustained cut injury at his head and he became unconscious and fell down and the hand of his nephew got fractured.
3.	The said written report of the informant gave birth to the institution of Sarmera P.S. case no. 79/2023 dated 01.05.2023 registered u/s 341, 147, 149, 323, 325, 307, 504 of the IPC against the accused persons as named in the written report. The I.O. has submitted the charge sheet bearing

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

Present : Khyati Singh

Sessions Trial No. 912/2024, CNR No. BRNL010080722024

[Arising out of Sarmera P.S. Case No. 79/2023, CRI. No. 1784/2023]

[Date of Judgment – 30.06.2026]

- No.210/2023 dated 31.08.2023 against the above named accused persons u/s 147, 149, 341, 323, 307, 504 of the IPC.
4. The cognizance of the offences was taken by the learned Judicial Magistrate-1st Class, Nalanda at Bihar Sharif on 12.02.2024 u/s 147, 149, 341, 323, 307, 504 of the IPC against the above named accused persons and the case was committed to the Court of Sessions on 19.10.2024. After that, the case record was received to the Court of Sessions on 18.11.2024 and then in due course of time it came to the file of this Court on 19.11.2024.
5. The charges were framed against the above named accused persons u/s 147, 341/149, 323/149, 307/149, 504 of the IPC and the same were read over and explained to them in Hindi on 21.11.2024 to which they pleaded not 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 four witnesses mentioned as follows :-

S.No	NAME OF THE WITNESSES	EVIDENCE
1	Balwant Kumar	P.W.1
2	Sampoorn Kumar	P.W.2
3	Shiv Kumar Singh	P.W.3
4	Ranjan Kumar	P.W.4

(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

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

Present : Khyati Singh

Sessions Trial No. 912/2024, CNR No. BRNL010080722024

[Arising out of Sarmera P.S. Case No. 79/2023, CRI. No. 1784/2023]

[Date of Judgment – 30.06.2026]

	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 :- PW-1 Balwant Kumar, the informant, has said in his examination in chief that the occurrence took place on 29.04.2022. At that time he and his nephew Sampooran Kumar had gone to see the orchard and few persons were playing cricket there. They went to see that and both of them fell down due to which they sustained injury and they were treated at P.H.C., Sarmera. He further said that after that he went to the Police station and at that time he was suffering with such an acute pain that he was not in a condition to write, therefore, he cannot say as to who had written the application. He also said that at that time he was not in a condition to listen also, therefore, the application was not read over to him. He has proved his signature on the written report as Exhibit-P1/PW-1. In his cross examination he has said that a counter case is pending between the parties. He further said that both the parties have entered into compromise. He again said that the written report was not read over to him nor he himself read that. He also said that he could not know as yet as to who had assaulted him. P.W-2 Sampooran Kumar is the nephew of the informant and one of the injured of this case. He has said in his examination in chief that the occurrence took place on 27.04.2023 between 5:30 – 6:00 PM. He said that an altercation took place between Gagar Rajak and Balwant Kumar for playing of cricket then, he went to intervene and fell down due to haste and due to that he sustained injury at his left hand and that got fractured slightly then, he was treated at PHC, Sarmera and after that he went to his house. In his cross examination in para-4, he said that he was not assaulted by anybody. P.W-3 Shiv Kumar Singh & PW-4 Ranjan Kumar have been declared

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

Present : Khyati Singh

Sessions Trial No. 912/2024, CNR No. BRNL010080722024

[Arising out of Sarmera P.S. Case No. 79/2023, CRI. No. 1784/2023]

[Date of Judgment – 30.06.2026]

- | | |
|-----|---|
| 10. | <p>hostile by the prosecution and have not supported the prosecution case at all.</p> <p>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 nephew has supported the prosecution case. As such, the accused persons deserve the acquittal.</p> <p>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.</p> |
| 11. | <p>Heard both the parties and perused the record. From perusal of the record it transpires that altogether four witnesses have been produced and examined by the prosecution. PW-1, the informant, has said in his examination in chief itself that he and his nephew Sampoorina Kumar had gone to see the orchard and few persons were playing cricket there. They went to see that and both of them fell down due to which they sustained injury and they were treated at P.H.C., Sarmera. He has also said that after that he went to the Police station and at that time he was suffering with such an acute pain that he was not in a condition to write, therefore, he cannot say as to who had written the application. He also said that at that time he was not in a condition to listen also, therefore, the application was not read over to him. In his cross examination he has said that he could not know as yet as to who had assaulted him. Further, PW-2 who is the nephew of the informant and is also one of the injured has said in his evidence that an altercation took place between Gagar Rajak and the informant for playing of cricket then, he went to intervene and fell down due to haste and due to that he sustained injury at his left hand and that got fractured slightly. In his cross examination he said that he was not assaulted by anybody. Thus, the evidence of both of these injured itself shakes the pillars of whole prosecution story. Also, PW-3 & PW-4 have been declared hostile by the prosecution and have not supported</p> |

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

Present : Khyati Singh

Sessions Trial No. 912/2024, CNR No. BRNL010080722024

[Arising out of Sarmera P.S. Case No. 79/2023, CRI. No. 1784/2023]

[Date of Judgment – 30.06.2026]

the 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 147, 341/149, 323/149, 307/149, 504 of the IPC beyond shadow of all reasonable doubts. Accordingly, the accused persons, namely, **(1)Gagar Rajak, (2) Shrawan Kumar @ Rajak, (3) Mukesh Kumar, (4) Shivam Kumar, (5) Rajeev Kumar and (6) Rakesh Kumar** 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
30-06-2026

Dictated & Corrected by me,
Sd/-
(Khyati Singh)
Distt. & Additional Sessions Judge – IInd
Nalanda at Biharsharif
30-06-2026

Date of Judgment/Order	30-06-2026
Date of Reserving Judgment/Order	-
Date of Uploading	01-07-2026
Uploaded by	kundan