

FORM A

**IN THE COURT OF PRINCIPAL SESSIONS JUDGE,
NAWADA**

Ashutosh Kumar Jha

Date of the Judgment:

04-06-2026

S.Tr. Case No-59/2020

(Details of FIR/Crime and Police Station)

**(Arising out of commitment order dated 20-02-2020 passed in
Warisaliganj P.S. Case No.-15/2017 G.R. No.-322/2017)**

INFORMANT	STATE OF BIHAR Through Suraj Kumar, aged about-31 years, S/O-Anil Kumar, R/O Vill.- Krishnapuri Ward Number 09, P.S.- Warisaliganj, Distt.- Nawada Informant
REPRESENTED BY	Shri Manoj Kumar Singh, Ld. P.P..
ACCUSED	1. Sanjay Ram, aged about-54 Years, S/O-Late Kishori Ram, 2. Ajay Ram, aged about-48 Years, S/O-Late Kishori Ram, 3. Mamta Devi, aged about-45 Years, W/O-Ajay Ram, 4. Baby Devi, aged about-35 Years, W/O-Krishna Ram, 5. Krishna Ram, aged about-42 Years, S/O-Late Kishori Ram, All R/O Vill.-Gaurakshani, Warisaliganj, P.S.-Warisaliganj, Distt.-Nawada Accused persons
REPRESENTED BY	Shri Ram Khelawan Prasad Singh, Ld. Advocate

FORM B

Date of Offence	10.02.2017
Date of FIR	10.02.2017
Date of Charge-sheet	22.05.2017
Date of Cognizance	24.08.2017
Date of Commitment	20.02.2020
Date of Framing of Charges	24.03.2021
Date of commencement of evidence	06.05.2021
Date on which judgment is reserved	02.06.2026
Date of the Judgment	04.06.2026
Date of the Sentencing Order, if any	N/A

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Either Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.
1	Sanjay Ram	Surrender on 13.02.2017	13.02.2017	308/34, 323/34, 341/34, 504/34 of the I.P.C.	Acquitted	N/A	N/A
2	Ajay Ram	Surrender on 13.02.2017	13.02.2017	308/34, 323/34, 341/34, 504/34 of the I.P.C.	Acquitted	N/A	N/A
3	Mamta Devi	Surrender on 13.02.2017	13.02.2017	308/34, 323/34, 341/34, 504/34 of the I.P.C.	Acquitted	N/A	N/A
4	Baby Devi	Surrender on 13.02.2017	13.02.2017	308/34, 323/34, 341/34, 504/34 of the I.P.C.	Acquitted	N/A	N/A
5	Krishna Ram	Surrender on 13.02.2017	13.02.2017	308/34, 323/34, 341/34, 504/34 of the I.P.C.	Acquitted	N/A	N/A

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)
PW1	Manju Devi	Eye Witness
PW2	Suraj Kumar	Informant to this case
PW3	Ravi Kumar	Hostile Witness
PW4	Santu Kumar @ Sintu Kumar	Hostile Witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
No defence witness was produced on behalf of accused persons		

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
N/A		

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No	Exhibit Number	Description
1	Exhibit-P1/P.W.-02	Signature of the informant on written application given to SHO

B. Defence:

Sr. No	Exhibit Number	Description
1	Exhibit	N/A

C. Court Exhibits

Sr. No	Exhibit Number	Description
1	Exhibit	N/A

D. Material Object:

Sr. No	Material Object Number	Description
1	MO1	N/A

J U D G M E N T

1. The short case of the prosecution as per written application of the informant Suraj Kumar is that on

10.02.2017 at about 09:00 P.M. in the night he was serving food in the occasion of Tilak of his neighbour then accused persons Sanjay Ram, Ajay Ram, Krishna Ram resident of ward No.-7 of Gaurakshani village came there in drunken position and started abusing the guests and when he protested then all three accused persons began to assaulting the informant and his mother. Thereafter Baby Devi and Mamta Devi came with lathi and rod and assaulted his mother on her head due to which she sustained head injury and become unconscious. Thereafter accused persons also assaulted informant by means brick, stones, rod and knife and when he shouted then crowd was assembled there then accused persons fled away.

Charges.

2. In Warisaliganj P.S. Case No.-15/2017 dated 10.02.2017 the F.I.R. has been registered against Sanjay Ram, Ajay Ram, Krishna Ram, Baby Devi and Mamta Devi U/Ss.- 341,323,308,337,504,506,34 of the I.P.C. The charge-sheet has been filed by the investigation officer in the present case vide Charge-sheet No.-27/2017 dated 22.05.2017 U/Ss.- 341,323,308,337,504,506,34 of the I.P.C. against the accused persons namely Sanjay Ram, Ajay Ram, Krishna Ram, Baby Devi and Mamta Devi.

The charges were framed against the accused persons namely (i) Sanjay Ram, (ii) Ajay Ram, (iii) Krishna Ram, (iv)

Baby Devi and (v) Mamta Devi on 27.11.2024 U/Ss.-395/34 of the I.P.C. The charges were read over and explained to the accused persons in Hindi to which they pleaded not guilty and hence this trial.

3. In order to prove its case prosecution examined altogether seven witnesses namely P.W.-01 Manju Devi (Injured Witness), P.W.-02 Suraj Kumar (Informant of this case), P.W.-03 Ravi Kumar (Hostile Witness) and P.W.-04 Santu Kumar @ Sintu Kumar (Hostile Witness).

P.W.-01 is Manju Devi who is alleged to be injured witness deposed in her examination-in-chief that occurrence took place five years ago in the night and on that day there was a marriage ceremony in which some heated argument and altercation took place between the children and accused Krishna and Sanjay were present over there. She further stated that she alongwith her children went in the marriage ceremony for having food. She further states that she sustained head injury and she also got treated. She further identified the accused Sanjay Kumar, Krishna Kumar, Ajay, Mamta Devi and Baby Devi who are present before the court.

During cross-examination, she stated in para-04 to 07 that she cannot say who attacked on her as there was night at the time of occurrence. She further states that the matter has amicably been settled between both parties and

there is no dispute anymore at present. She further deposed that she identified the accused a her co-villagers and she is deposing as per her own free will.

P.W.-02 Suraj Kumar who is informant of this case, deposed in his examination-in-chief that he get instituted this case and occurrence took place about 04-05 years ago at 08:00 P.M. in the night and on that day he was coming from Warisaliganj and he had a fight with accused Sanjay Ram, Ajay Ram, Krishna Ram, Mamta Devi and Baby Devi. He further states that he sustained head injury and got treated at government hospital, Warisaliganj. He further deposed in para-02 that he identified his writing and signature over written application on which F.I.R. got registered and same has got exhibited as Exhibit-P1/P.W.-02. He further identified the accused Sanjay Ram, Krishna Ram, Ajay Ram, Mamta Devi and Baby Devi who are present before the court.

During cross-examination, he stated in para-04 that he didn't see who assaulted him or his mother as there was night at the time of the incident. He further states in para-05 that matter has amicably been settled between both parties and there is no dispute at present. He further deposed that he identified the accused as his neighbours and he is deposing as per his own free will.

P.W.-03 Ravi Kumar and P.W.-04 Santu Kumar @

Sintu Kumar have not supported the case of the prosecution and they have been declared hostile on the request of the prosecution and nothing material come to the fore during their cross-examination.

4. After completion of the prosecution evidence statement of the accused person was recorded u/s 313 Cr.P.C. wherein all the incriminating evidences were put to the accused persons and the same was denied by them stating they are innocent, they did not committed the said incident. Further the defence did not get examined any other witnesses on its behalf.

5. I have heard the rival submissions of the Ld. P.P. and the Ld. defence counsel. Perused the evidences on the record. he prosecution has examined altogether four witnesses out of whom P.W.-01 Manju Devi and P.W.-02 Suraj Kumar are the alleged injured witnesses, while P.W.-03 Ravi Kumar and P.W.-04 Santu Kumar @ Sintu Kumar have not supported the prosecution case and were declared hostile. P.W.-01 Manju Devi, though stated that she sustained injury on her head during the occurrence and identified the accused persons in Court, categorically admitted during her cross-examination that she could not say as to who assaulted her because it was night time. She further stated that the dispute has been amicably settled between the parties and there is no dispute subsisting between them. Thus, her testimony does not

specifically attribute any overt act to any of the accused persons. Similarly, P.W.-02 Suraj Kumar, the informant of the case, also admitted in his cross-examination that he did not see who assaulted him or his mother due to darkness prevailing at the place of occurrence. Though he proved the written report on the basis of which the F.I.R. was instituted, his substantive evidence before the Court does not support the allegations made in the written report. He also admitted that the matter has been settled between the parties and that he identified the accused only because they are his neighbours. P.W.-03 Ravi Kumar and P.W.-04 Santu Kumar @ Sintu Kumar have completely failed to support the prosecution case and were declared hostile. Nothing material could be elicited from their cross-examination by the prosecution to corroborate the allegations levelled against the accused persons. It is a settled principle of criminal jurisprudence that the prosecution is required to prove its case beyond all reasonable doubts. Mere registration of F.I.R. or allegations contained therein cannot take the place of legal proof. The substantive evidence adduced before the Court must establish the guilt of the accused beyond reasonable doubt. In the present case, both the alleged injured witnesses have failed to identify the actual assailants and have specifically stated that they could not see who assaulted them. The independent witnesses have not supported the prosecution case. There is no reliable

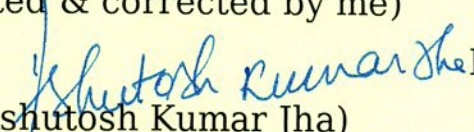
ocular evidence on record connecting the accused persons with the alleged occurrence. Further doctor who examined the injured witnesses has also not been examined by the prosecution. The prosecution has thus failed to establish the identity and participation of the accused persons in the commission of the alleged offence. The prosecution failed in its solemn duty to prove its case beyond all reasonable doubt. The charge as alleged against the accused persons could not get substantiated nor got any support from the prosecution witnesses. The guilt of the accused persons could not be established. ***In Rang Bahadur Singh Vs. State of U.P. reported in AIR 2000 SC 1209*** it has been held as follows: "The time-tested rule is that acquittal of a guilty person should be preferred to conviction of an innocent person. Unless the prosecution establishes the guilt of the accused beyond reasonable doubt a conviction cannot be passed on the accused. A criminal court cannot afford to deprive liberty of the appellants, lifelong liberty, without having at least a reasonable level of certainty that the appellants were the real culprits." It is settled law that the suspicion, however, strong it may be, cannot take the place of proof beyond reasonable doubt. An accused cannot be convicted on the ground of suspicion, no matter how strong it is. An accused is presumed to be innocent unless proved guilty beyond a reasonable doubt.

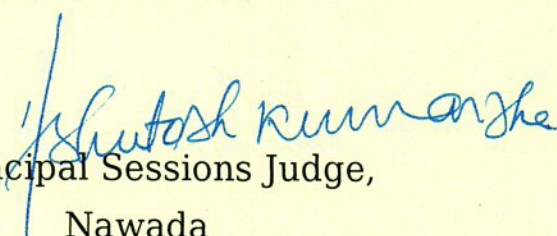
6. Considering the evidences brought on record and the law

discussed the prosecution abjectly failed to establish its case beyond all reasonable doubt.

Hence, accused persons namely (i) Sanjay Ram, (ii) Ajay Ram, (iii) Krishna Ram, (iv) Baby Devi and (v) Mamta Devi are being acquitted of all the said charges. The accused persons are discharged from the liabilities of their bail bonds subject to compliance with the provisions of Section 437A Cr.P.C. (now Section 481 BNSS, as applicable). Judgment is being pronounced in the open court. Office is directed to consign the record to the Record Room.

(Dictated & corrected by me)


(Ashutosh Kumar Jha)
Principal Sessions Judge, Nawada
04.06.2026


Principal Sessions Judge,
Nawada
04.06.2026