

Present:- Dhananjay Kumar Mishra.
Additional Sessions Judge-II, Patna
Patna the 05th day of June 2026.

Form- A

<u>In the Court of Additional Sessions Judge-II, Patna</u> Present – Dhananjay Kumar Mishra, Additional Sessions Judge-II, Patna Date of Judgment : 05.06.2026 <u>Session Trial No.578/2011</u> <u>C.I.S. No.5433/2014</u> Phulwari Sharif P.S.Case No.370/2009 Dated 10.09.2009.	
<u>Informant / Prosecution</u>	Surendra Rai, Son of Late Lekha Rai, R/O Brahmpur, P.S. Phulwari Sharif, District- Patna.
Learned Counsel for the prosecution	Sri Shyam Kishore Rai, Addl. P.P.
Accused person	1. Meena Devi, Wife of Surendra Rai
Learned Counsel for the accused person	Sri Deepak Kumar Das, Advocate

Description of proceeding in case : Form-B

Proceeding	Date	Under Section
Date of occurrence	10-09-2009	307, 323, 341/34 I.P.C.
Date of F.I.R.	10-09-2009	307, 323, 341/34 I.P.C.
Date of Charge-sheet	22-10-2009	308, 323, 341/34 I.P.C.
Date of cognizance	24-12-2009	308, 323, 341/34 I.P.C.
Date of charge	30.10.2025	341/34, 308/34 I.P.C.
Date on which the case was fixed for	30.10.2025	

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evidence		
Date on which the case was fixed for Judgment	03.06.2026	
Date of Judgment	05.06.2026	
If sentence was awarded, Date of order on the point of sentence		

Descriptions of Accused

Rank of Accused	Name of Accused	Date of arrest	Date of released on bail	Charged Under Section	Acquitte-d or convicted	Awarded sentence	For the purpose of Section 428 Cr.P.C. the time undergone in custody during trial
1.	Meena Devi	11.09. 2009	06.10. 2009	341/34, 308/34 I.P.C.	Acquitt-ed		

Form - C

Witness produced on behalf of prosecution

Sl. No.	Name	Nature of evidence; eye witness, Police witness, Special witness, Doctor witness, Panch witness and other witness
1.	Vinod Kumar @	

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	Vinod Singh	
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Defence witness

Sl. No.	Name	Nature of evidence; eye witness, Police witness, Special witness, Doctor witness, Panch witness and other witness
Defence witness No.1	--	--
Defence witness No.2	--	--

Documentary evidence produced on behalf of prosecution

Exhibit	
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Defence Exhibit
Material Exhibit

J U D G M E N T

1. The sole accused namely Meena Devi stands charged for the offence punishable U/S 341/34, 308/34 of the I.P.C. for committing attempt to commit culpable homicide by throwing bricks on the head of the informant, wrongfully restraining her in furtherance of common intenton punishable U/S 341/34, 308/34 of the I.P.C. and accordingly she has been tried for the same offenes.

2. The prosecution case according to Fardbayan of the informant namely Surendra Rai recorded by S.I. Chandrika Prasad, Phulwari Sharif P.S. on 10.09.2009 at 8.00 p.m. at Phulwari Sharif Hospital, in brief, is that on 10.09.2009 at about

6.00 p.m. he had returned to his house after discharging his work then found his brother was sitting at the door from before. On seeing him his brother gave order to the wife of the informant to hit him. Upon which the wife of the informant namely Meena Devi hurled abuses and his brother Suraj Rai assaulted him on his head throwing bricks with intention to kill him. His wife also assaulted him throwing bricks on his head as a result of which he sustained head injury and blood started oozing. The reason behind the occurrence as alleged in the Fardbayan is that his brother Suraj Rai had kept the wife of the informant with him. It is further alleged that both persons had assaulted the informant on his head throwing bricks with intention to kill him, but the informant any how saved himself and went to Phulwari Sharif Hospital where he was treated and information was given to the Police station.

3. On the basis of aforesaid Fardbayan of the informant Surendra Rai, Phulwari Sharif P.S. Case No.370/2009 dated 10.09.2009 U/S 307, 323, 341/34 I.P.C. was registered against both the accused persons namely Suraj Rai and Meena Devi. Thereafter, investigation was initiated and after completion of investigation charge-sheet No.263/2009 dated 22.10.2009 has been submitted U/S 308, 341, 323/34 I.P.C. against both the aforesaid accused persons and accordingly cognizance was taken U/S 308, 341, 323/34 I.P.C. against both the accused persons by the court of C.J.M. Patna vide order dated 24.12.2009 and in due course the case of the accused persons named above was committed to the court of Sessions on 23.09.2010 from where the case record was transferred in various courts and ultimately to this court for trial and disposal. During the trial accused Suraj

Rai expired on 29.01.2016 due to which further proceedings of the case was dropped against him vide order dated 30.10.2025.

4. Charges U/S 341/34, 308/34 of the I.P.C. were framed only against the accused Meena Devi and charges were read over and explained in Hindi to which she pleaded not guilty and claimed to be tried.

5. After closure of prosecution evidence, statements of the accused were recorded in which she denied all allegations as brought upon her by the informant and she further stated that she is quite innocent.

6. Now, the only point arises for determination is as to whether the prosecution has been able to bring home the charges levelled against the accused on trial beyond all shadow of reasonable doubts or not ?

FINDINGS

7. In order to substantiate the charges, the prosecution has examined only one witness who is Vinod Kumar @ Vinod Singh as P.W.1. In this case altogether six witnesses were cited in the charge-sheet, out of whom injured/informant died. Despite best efforts taken and sufficient opportunity given by the then court, the remaining witnesses did not turn up to depose in the case. Last chance was given to the Prosecution on 08.04.2026 to produce the witnesses, but of no avail. This is a very old case of the year, 2009. Hence having no option prosecution evidence was closed on 14.05.2026 by the then court.

Defence has not produced any witness.

8. Now the evidence produced on behalf of the prosecution will be discussed for arriving on conclusion that whether prosecution has succeeded to prove the charges levelled against

the accused person. P.W.1 Vinod Kumar @ Vinod Singh has stated in his examination in-Chief that he knows Surendra Rai who had lodged this instant case against his wife and brother. The informant Surendra Rai has died. Accused Suraj Rai has also died. He has further stated that the alleged occurrence took place due to family dispute. He has further stated that he was not present at the place of occurrence at the alleged time of occurrence. His statement was not recorded by the Police. This witness has identified the accused Meena Devi present in the court. He has been declared hostile on the request of the Prosecution.

This witness has been cross-examined with regard to his previous Police statement that has been denied by the witness. He has denied the suggestion that it is not true that he has deposed falsely to save the accused. This witness has stated that he has deposed in court voluntarily without any pressure.

9. During course of argument the learned Counsel appearing on behalf of the defence has submitted that in this case informant Surendra Rai and accused Suraj Rai died during course of trial. In this case only one witness has been examined by the prosecution who has been declared hostile by the prosecution. Remaining witnesses did not turn up to depose in court despite sufficient opportunity given to the prosecution. Virtually, this is a case of no evidence. Hence prayer has been made to acquit the accused.

On the other hand learned Addl. Public Prosecutor fairly conceded to the above submissions.

10. Thus, from the facts and circumstances of the case and the materials available on record, I find that the charges levelled against the accused have not been proved and the prosecution has miserably

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failed in bringing home the guilt of the accused beyond the shadow of all reasonable doubts.

ORDER

11. In the result, I find and hold that the accused Meena Devi is found not guilty of the charges. Hence she is acquitted of the charges Under Section 341/34, 308/34 of the I.P.C. levelled against her. She is on bail and is present in the court. She is set at liberty and discharged from the liability of her bail bond.

Dictated and corrected by me,

Sd/=

**(Dhananjay Kumar Mishra),
Addl. Sessions Judge-II,
Patna.
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Date of Judgment/order	05.06.2026
Date of Reserving Judgment/order	03.06.2026
Uploading Date	05.06.2026
Uploaded by	Vikash Kumar