

Form-A

IN THE COURT OF DISTRICT & ADDL. SESSIONS JUDGE -IV, BARH	
DISTRICT - PATNA (BIHAR)	
PRESENT : SRI SHAILENDRA KUMAR SINGH, Addl. Sessions Judge - IV, Barh (Patna)	
DATE OF JUDGMENT- 09/04/2026 ST CASE NO. 941/2003 CNR No. BRPA30-000058-2003	
INFORMANT	STATE OF BIHAR (Through Informant Phulena Sharma S/O Batori Sharma (R/o Village Bhalddipur Vishunpur, Police Station : Chakiya, District : Begusaral (Bihar)
REPRESENTED BY	Sri Prabhat Kumar, Ld. A.P.P.
ACCUSED PERSONS	A1 - Arun Kumar Sharma@ Arun kumar a/a 50 Yrs S/o- Late Ram Snehi Mishtri (R/o Village Shivnar, Police Station : Mokama, District : Patna (Bihar)
REPRESENTED BY	Sri Kailash Prasad, Advocate



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09/4/2026

Form-B

Date of Offence	04/11/2002
Date of FIR	05/11/2002
Date of Charge sheet	30/11/2002
Date of Framing of Charges	06/03/2010
Date of Commencement of Evidences	05/05/2010
Date on which Judgment is reserved	09/04/2026
Date of the Judgment	09/04/2026
Date of the Sentencing Order, if any	N/A

ACCUSED DETAILS:

Rank of the accused	Name of Accused	Date of Arrest	Date of Released 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
A-1	Arun Kumar Sharma @ Arun Kumar	06/11/2002	24/01/2003	u/s, 306, 498(A) IPC	Acquitted	Nil	Nil

::: J U D G E M E N T :::

1. Sole accused namely, **Arun Kumar Sharma @ Arun Kumar** is facing trial for the offenses punishable u/s 306, 498(A) IPC for abetting sister of informant namely, Punam Devi to commit to suicide and subjecting her to cruelty for fulfillment of unlawful demand of dowry.

2. Prosecution case as per *ferdbyan* dated 05/11/2002 of informant **Phulena Sharma** in brief is that his younger sister Punam Devi got married with Arun Kumar Sharma three years ago as per Hindu rite & customs. Husband & in-laws of Punam use to torture her for dowry after marriage. On 04/11/2002 at 15:30 PM. He got information that Punam Devi died due to consuming poison in Nazarat Hospital. He has firm believe that due to excessive torture by Arun Kumar Sharma, Sanjha Devi & other in-laws Punam had consumed poison.

3. On the basis of *ferdbyan* dated 05/11/2002, an F.I.R. has been registered against 03 accused persons

**In the Court of District & Addl. Sessions Judge-IV, Barh
Judgement dated 09th April, 2026**



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including sole accused namely, **Arun Kumar Sharma @ Arun Kumar** for the offenses punishable u/s, 306, 498(A) IPC as Mokama P.S. Case No. 204/2002 dated 05/11/2002. After investigation, Police submitted Charge Sheet No. 302/2002 dated 30/11/2002 for offence punishable u/s, 306, 498(A) IPC against sole accused **Arun Kumar Sharma @ Arun Kumar**. On 03/01/2003, cognizance of the offenses punishable u/s 306, 498(A) IPC has been taken by the then A.C.J.M. Barh. After complying the provisions of section 207 Cr.P.C. case record committed to the Court of Sessions. Case record of sole accused **Arun Kumar Sharma @ Arun Kumar** received to this Court on 22/06/2021 on transfer on the Court of Ld. A.D.J.-II, Barh.


4. On 06/03/2010, charge for the offence punishable u/s 306, 498(A) IPC is framed, read over and explained to sole accused persons in Hindi, to which he pleaded not guilty and claimed to be tried.

5. Prosecution has examined altogether six witnesses and has not produced any documentary evidences.

Oral evidences

P.W.1	:	Phulena Sharma (Informant)
P.W.2	:	Ramanand Sharma
P.W.3	:	Sanjit Sharma
P.W.4	:	Ganesh Sharma
P.W.5	:	Md. Sattar
P.W.6	:	Pappu Kumar




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Documentary evidences :

Exhibit-1	: Signature of informant (P.W.1) on <i>Ferdbyan</i>
Exhibit-1/1	: Signature of Ramanand Sharma (P.W.2) on <i>Ferdbyan</i>

6. On 12/03/2026, above named sole accused has been examined u/s 313(1)(b) Cr.P.C., in which, he pleaded his innocence. Defence has not produced any oral or documentary evidence in his defence.

7. Now, the question for determination before the Court is, "whether the prosecution has been able to prove the charge framed & explained to above named sole accused person beyond reasonable doubt?"

FINDINGS

8. On perusal of the record available on the record, it transpires that informant in him *ferdbyan* stated that his younger sister Punam Devi got married with Arun Kumar Sharma three years ago as per Hindu rite & customs. Husband & in-laws of Punam use to torture her for dowry after marriage. On 04/11/2002 at 15:30 PM. He got information that Punam Devi died due to consuming poison in *Nazarat* Hospital. He has firm believe that due to excessive torture by Arun Kumar Sharma, Sanjha Devi & other in-laws Punam had consumed poison.

9. Prosecution in support of its case has adduced & examined altogether six witnesses and also produced documentary evidence.



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(a) **P.W.1 Phulena Sharma** during his *examination-in-chief* before the Court stated that his younger sister Punam Devi got married in the year 1999. In the year 2002 got information that his sister is admitted in Nazrat Hospital. When he reached the hospital, found that his sister is died, but he does not know the reason of her death. Police has taken his statement in hospital. On identification, his signature on *ferdbyan* has been marked as Exhibit-01. His sister has not told anything about torture by her husband & in-laws before death. He has been **declared hostile** on the request of prosecution. During *cross-examination* by defence he stated that father-in-law of his sister has given information that she is admitted hospital. He could not know how his sister had died. *Darogaji* has not read over *ferdbyan* to him. He is voluntarily giving evidence without any fear and pressure.

(b) **P.W.2 Ramanand Sharma** during his *examination-in-chief* before the Court stated that his sister-in-law Punam Devi got married with Arun Kumar. Punam Devi died 10-12 Years ago in Nazarat. He doesn't know how she died. Police has not recorded his statement. He has been **declared hostile** on the request of prosecution. During *cross-examination* by defence he stated that he got information about death of Punam through Phulena. Punam had not made any complain after marriage.

(c) **P.W.3 Sanjit Sharma** during his *examination-in-chief* before the Court stated that his sister Punam Devi got married with Arun Kumar 12 Years ago. On information about death of Punam from father of Arun Kumar he went to Nazarat Hospital. He doesn't know how his sister died. Police has not recorded his statement. He has been **declared hostile** on the request of prosecution. During



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cross-examination by defence he stated that his sister had not made any complain to him and he is voluntarily giving evidence without any fear and pressure.

(d) **P.W.4 Ganesh Sharma** during his examination-in-chief before the Court stated that sister of Phulena Sharma died in Nazarat Hospital due to consuming poison. He recognized accused present in the Court. During cross-examination by defence he stated that accused is his brother-in-law and he is voluntarily giving evidence without any fear and pressure.

(e) **P.W.5 Md. Sattar** during his examination-in-chief before the Court stated that Punam Devi was wife of Arun. Accused is his villager hence, he recognizes him. Punam died 12 Years ago in Nazarat Hospital Mokama. Police came and made seizure list of dead body of Punam on which he has put his signature. He heard that she was died due to consuming poison. In-laws of Punam brought her to the hospital. He further statement Police has not recorded his statement. He has been **declared hostile** on the request of prosecution. During cross-examination by defence he stated that he is voluntarily giving evidence without any fear and pressure.

(f) **P.W.6 Pappu Kumar** during his examination-in-chief before the Court stated that this occurrence is of long ago, he doesn't remember the date of occurrence. His aunt died, but he doesn't know how she had died. Police has not seized dead body of his aunt and not made inquest report in his presence. He has been **declared hostile** on the request of prosecution. During cross-examination by defence he stated that he has not lived in the village for a long time. Arun kumar Sharma has also left the



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village for a long time. The incident didn't occurrence in his presence. He stated that he is voluntarily giving evidence without any fear and pressure. During Court question he stated that the deceased was not tortured in his presence.

10. During argument, Ld. Defence Lawyer, submitted that all prosecution witnesses including informant have not supported the prosecution case and they have been **declared hostile**. I/O & M/O of this case have not been examined Hence, prosecution failed to prove the charges explained to above named sole accused person. Therefore, he is eligible for acquittal in this case. Prosecution during argument couldn't say anything to counter this submission made by Ld. Counsel for the defence.

11. **P.W.1, P.W.2, P.W.3, P.W.5 & P.W.6** during their *examination-in-chief* before the Court not supported the prosecution case. On the request of prosecution, they have been **declared hostile**. Prosecution couldn't procure any thing in support of its case, during their cross examination. During *cross-examination* by defence they stated that they have voluntarily giving evidence, without any fear and pressure. Sole accused is their relative/co-villagers hence, they recognizes him. All prosecution witnesses have not supported the prosecution case and they have been declared hostile. P.W.4 during his *examination-in-chief* before the Court stated that sister of Phulena Sharma died in Nazarat Hospital due to consuming poison. During *cross-examination* by defence he stated that accused is his *brother-in-law* and he is voluntarily giving evidence without any fear and pressure. He has also not said anything about the involvement of sole accused in the occurrence. Investigating & Medical Officer of this case have



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not been examined by the prosecution and no reason has been assigned for the same. All this creates doubt about prosecution case. Moreover, there is no incriminating evidence is available on the record, against above named accused persons.


12. Considering the entire facts & circumstances, evidences and other material available on record, submissions made by both side and discussion made above, this Court **find** that prosecution has failed to prove charges for offences punishable u/s, 306, 498(A) IPC explained to sole accused *namely, Arun Kumar Sharma @ Arun Kumar* beyond reasonable doubt. *Accordingly*, this Court **hold** that sole accused person *namely, Arun Kumar Sharma @ Arun Kumar not guilty* of the offence as charged against him and he should be acquitted in the interest of justice.

O R D E R

13. *In result*, Sole accused *namely, Arun Kumar Sharma @ Arun Kumar is acquitted* from the charges of offenses punishable **u/s 306, 498(A) IPC** after giving benefits of doubt, due to lack of evidence. Since, he is already on bail, hence liabilities of his bailors are extended for **Six months** from today, in the light of the provisions of Section 437-A Cr.PC.

Typed & Corrected by me. Pronounced in the Open Court on this 09th Day of April, 2026

 09/4/2026
(Shailendra Kumar Singh)
Addl. Sessions Judge-IV,
Barh (Patna)

 09/4/2026
(Shailendra Kumar Singh)
Addl. Sessions Judge-IV,
Barh (Patna)

Form-C

**LIST OF PROSECUTION/DEFENCE/
COURT WITNESSES**

A. PROSECUTION WITNESS

RANK	NAME	NATURE OF EVIDENCE
P.W.1	Phulena Sharma	Hostile Witness
P.W.2	Ramanand Sharma	Hostile Witness
P.W.3	Sanjeet Sharma	Hostile Witness
P.W.4	Rakesh Sharma	Hearsay Witness
P.W.5	MD. Sattar	Hostile Witness
P.W.6	Pappu Kumar	Hostile Witness

B. DEFENCE WITNESSES, IF ANY : **None**
C. COURT WITNESSES, IF ANY : **None**


LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION :

Exhibit-1	: Signature of informant (P.W.1) on <i>Ferdbyan</i>
Exhibit-1/1	: Signature of Ramanand Sharma (P.W.2) on <i>Ferdbyan</i>

B. DEFENCE : **None**
C. COURT EXHIBITS : **None**
D. MATERIAL OBJECTS : **None**

Dated : 09/04/2026


(Shailendra Kumar Singh)
Addl. Sessions Judge-IV,
Barh (Patna)

Date of Judgment	09.04.2026
Date of Reserving Judgment	09.04.2026
Uploading date	09.04.2026
Uploaded by	Shailendra Kumar Singh