



**FORM A**

<b>IN THE COURT OF SESSIONS JUDGE, ROHTAS AT SASARAM [Bihar]</b> Present ANUJ KUMAR JAIN, Sessions Judge. [Date of the Judgment:- 10.03.2025 [S.Tr. Case No.-613/2015, CIS No. 613/2015] [ Kargahar P.S. Case No.- 194/2014,U/Ss.341,323,448,504,506,337, 427,307/34 of Indian Penal Code and Section 27 Arms Act. ]	
INFORMANT	STATE OF BIHAR THROUGH ARVIND SINGH
PRESENTED BY	SRI UPENDRA KUMAR, Ld. P.P.
ACCUSED PERSONS	1. Om Prakash, aged 50 years, 2. Ramanuj Singh, aged 40 years, Sons of Late Saryug Singh 3. Sheo Prakash @ Tunnu Singh, aged 36 years, Son of Lalan Chaudhary 4. Usha Devi, aged 46 years Wife of Om Prakash 5. Sona Devi, aged 68 years Wife of Late Saryug Singh RR/o Vill- Ambalia, P.S.- Kargahar, District- Rohtas.
REPRESENTED BY	Sri Rajeshwar Singh, Advocate

**FORM B**

Date of Offence	28-07-2014
Date of FIR	28-07-2014
Date of Chargesheet	31-12-2014
Date of Framing of Charges	08-01-2016
Date of commencement of evidence	25-02-2016
Date on which judgment is reserved	07-03-2026
Date of the Judgment	10-03-2026
Date of the Sentencing Order, if any	NA

**Accused Details:**

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.
1	Om Prakash	-	-	U/Ss. 337/34, 341, 504, 307 of the Indian Penal Code and 27 of Arms Act	Acquitted	-	NA
2	Ramanuj Singh	-	-	U/Ss. 337/34, 341, 504, 307 of the Indian Penal Code and 27 of Arms Act	Acquitted	-	NA
3	Sheo Prakash @ Tunnu Singh	-	-	U/Ss. 337/34, 341, 504, 307 of the Indian Penal Code and 27 of Arms Act	Acquitted	-	NA
4	Usha Devi	-	-	U/Ss. 337/34, 341, 504, 307 of the Indian Penal Code and 27 of Arms Act	Acquitted	-	NA
5	Sona Devi	-	-	U/Ss. 337/34, 341, 504, 307 of the Indian Penal Code and 27 of Arms Act	Acquitted	-	NA

**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	Mahendra Singh	Other witness
PW2	Rajendra Singh	Other witness
PW3	Munna Kumar Singh	Other witness
PW4	Arvind Singh	Informant
PW5	Gauri Shankar Singh	Other witness
PW6	Pawan Kumar	Other witness
PW7	Rajendra Prasad	Investigating Officer

**B. Defence Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL		

**C. Court Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL		

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution:**

Sr. No	Exhibit Number	Description
1	Exhibit - 1	Signature of Informant on written application
2	Exhibit - 1/1	Signature of Munna Kumar on written application
3	Exhibit - P-2/P.W.-7	Charge-sheet No. 244/2014.
4	Exhibit - P-3/P.W.-7	Signature of Shivshankar Prasad, S.H.O., on the endorsement of charge-sheet No. 244/2014.

**B. Defence:**

Sr. No	Exhibit Number	Description
NIL		

**C. Court Exhibits**

Sr. No	Exhibit Number	Description
NIL		

**D. Material Objects:**

Sr. No	Material Object Number	Description
NIL		

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

1. The accused persons namely (1) Om Prakash, (2) Ramanuj Singh, (3) Sheo Prakash @ Tunnu Singh, (4) Usha Devi and (5) Sona Devi were charged for the offence punishable under sections 337/34, 341, 504, 307 of the Indian Penal Code and 27 of Arms Act, to which they pleaded not guilty and claimed to be tried.

2. As per FIR, informant Arvind Singh has alleged that on 28-07-2014 at about 8.00 P.M., when he was at door, accused persons Om Prakash Singh, Ramanuj Singh, Sheo Prakash @ Tunnu Singh, Usha Devi and Sona Devi came there and due to land dispute they intruded in his house, started pelting bricks and stones and assaulted Rajendra Singh and Munna Kumar by means of *lathi* and *Danda*. Further, Sheo Prakash Singh @ Tunnu Singh fired at him with the intention to kill.

3. On the basis of written statement of informant Arvind Singh, Kargahar P.S. Case No. 194/2014 under Sections 341,323,448,504, 506,337,427,307/34 of the Indian Penal Code and 27 of Arms Act was registered against accused persons namely (1) Om Prakash Singh, (2) Ramanuj Singh, (3) Sheo Prakash @ Tuntu Singh, (4) Usha Devi and (5) Sona Devi. After completion of the investigation, I.O. of the case submitted charge sheet No. 244/2014 against the above accused persons under Sections 341,323,448,504,307,506,427/34 of the Indian Penal Code and 27 of Arms Act. Thereafter, court of Ld. J.M. 1<sup>st</sup>, Sasaram, took cognizance of the offence on 02-02-2015 against the above accused persons under Sections 341, 323, 448, 504, 307, 506, 427/34 of the Indian Penal Code and 27 of Arms Act. After that, case was committed to the Court of Sessions on 27-07-2015 and

case record was received to this Court on 23-09-2015 for trial and disposal. Thereafter, Sessions Trial No. 613/2015 was registered of this case.

4. On 08-01-2016 charge has been framed against accused persons namely (1) Om Prakash Singh, (2) Ramanuj Singh, (3) Sheo Prakash @ Tunnu Singh, (4) Usha Devi and (5) Sona Devi under Sections 337/34,341,504,307 of the Indian Penal Code and 27 of Arms Act, which was read over and explained to the accused persons in Hindi, to which they pleaded not guilty and claimed to be tried.

5. The accused persons in their statements under section 313 Cr P.C., have stated that they are quite innocent and have committed no offence and they have falsely been implicated in this case.

6. The point for consideration now is :

“Whether the prosecution has succeeded to prove the alleged charge framed against accused persons beyond all reasonable shadow of doubts in the manner alleged and they are guilty for the same ?

### **FINDINGS**

7. In order to substantiate the alleged charge framed against the accused persons, the prosecution has examined 7 witnesses in all and out of them (P.W.-1) Mahendra Singh, (P.W.-2) Rajendra Singh, (P.W.-3) Munna Kumar Singh, (P.W.-4) Arvind Singh (Informant), (P.W.-5) Gauri Shankar Singh, (P.W.-6) Pawan Kumar and (P.W.-7) Rajendra Prasad (I.O)

In documentary evidence, the prosecution has proved signature of informant Arvind Singh on written application as Ext.-1, signature of witness Munna Kumar Singh on written statement as Ext.- 1/1,

Charge-sheet No. 244/2014 as Ext.- P-2/P.W.-7, and signature of Shivshankar Prasad, S.H.O., on the endorsement of Charge-sheet as Ext. P-3/P.W.-7.

No any oral or documentary evidence has been adduced on behalf of the defence.

8. **P.W.-1**, Mahendra Singh has stated in examination-in-chief that occurrence took place 5-6 years ago, he did not know anything about the occurrence and his statement was not recorded by the police. Thereafter, this witness has been declared hostile and Ld. P.P. was permitted to cross-examine the witness.

In **cross-examination** on behalf of accused persons, he stated that he knew to accused persons being co-villagers.

9. **P.W.-2**, Rajendra Singh has stated in examination-in-chief that occurrence took place 7-8 years ago at about 5.30 P.M., he was at door, 4-5 persons including Om prakash and his father came with *danda* and assaulted him by means of *Lathi* due to which he was treated at Kargahar hospital. In Para-2, he identified accused Om Prakash present and claimed to identify other accused persons.

In **cross-examination** on behalf of accused persons, he stated that 50-60 people had gathered on the day of occurrence. During scuffle he fell on the ground and sustained injury and no one assaulted him by means of *Lathi*.

10. **P.W.-3**, Munna Kumar Singh has stated in examination-in-chief that he sustained injury. The occurrence took place 4 years ago at 7 P.M., he sustained head injury caused by *Lathi*, *Danda*, to which he was treated at Kargahar hospital. He couldn't see who had assaulted

him due to crowd. In Para-2, he identified accused Om Prakash Singh, who was present in the crowd. He claimed to identify other accused persons.

In **cross-examination** on behalf of accused persons, he stated that he studied up to I.A.

**11. P.W.-4**, Arvind Singh, who is informant of the case, has stated in examination-in-chief that occurrence took place in the year 2014 at 8 P.M., when quarrel took place with Om Prakash and others. In Para-2, he identified his signature and signature of Munna Kumar as a witness on written application, which have been marked Ext.- 1 and Ext. - 1/1 respectively. In Para- 3, he identified the accused present in the court. He claimed to identify other accused person.

In **cross-examination** on behalf of accused persons, she stated that due to darkness, he couldn't identify anyone. He further stated that both parties are relative. He further stated that many persons were present at the place of occurrence.

**12. P.W.-5**, Gauri Shankar Singh has stated in examination-in-chief that he did not know anything about the occurrence. His statement was not recorded by the police. He did not identify to the accused persons. Thereafter, this witness has been declared hostile and Ld. P.P. was permitted to cross-examine the witness.

In **cross-examination** on behalf of accused persons, he stated that his village is located at a distance of 4 K.M. from the village of accused persons.

**13. P.W.-6**, Pawan Kumar, has stated in examination-in-chief that he did not know anything about the occurrence as he was not present

in the village. In Para-2, on notice, he went to police station for giving his statement but police didn't record his statement. In Para-4, he identified accused persons Om Prakash Singh, Ramanuj, Sheo Prakash, Usha Devi, Soni Devi. Thereafter, this witness has been declared hostile and Ld. P.P. was permitted to cross-examine the witness.

In **cross-examination** on behalf of accused persons, he stated that he identified to the accused persons being co-villagers.

**14. P.W.-7**, Rajendra Prasad, Investigating Officer has stated in examination-in-chief that on 28-07-2014, he was posted at Kargahar P.S. on the post of Sub-Inspector. He took charge of investigation of Kargahar P.S. Case No. 194/2014 from the then S.H.O. Shiv Shankar Prasad. After that he perused the F.I.R. Thereafter, he recorded statement of informant Arvind Kumar. In Para-4, he recorded statements of arrested accused Om Prakash Singh and Ramanuj Singh. On next day on 29-07-2014 he inspected the place of occurrence, which is one storey building of Arvind Singh located at a distance of 5 K.M. from Kargahar P.S. bounded in the North- single-storey house of Banasah, South- Road, East- single-storey concrete house of Singhashan Singh, West- fallow land of Om Praksh Singh. After that, he recorded statements of Mahendra Singh, Pawan Singh and Gauri Singh, who supported the prosecution case. In Para-7 he received supervision note of Superior Official. After that, he received injury report of injured Rajendra Singh, Arvind Singh and Munna Singh and recorded in para 31 of the case diary. In Para-9, he received report -2 of Superintendent of police. Thereafter, on the basis of investigation,

supervision note, injury report and statements of witnesses, he submitted charge-sheet no. 244/2014 dated 31-12-2014 under Sections 341,323,448,504,307,506,417/34 of the Indian Penal Code and 27 of Arms Act against accused persons namely Om Prakash Singh, Ramanuj Singh, Sheo Prakash @ Tunnu Singh, Usha Devi and Sona Devi. In Para-10, he identified his handwriting and signature on charge sheet no. 244/2014, which has been marked Ext.- P-2/P.W.-7. Further, he identified signature of S.H.O. Shivshankar Prasad on the endorsement of F.I.R., which has been marked Ext.- P-3/P.W.-7. In Para-12, he claimed to identify the accused persons.

In **cross-examination** on behalf of accused persons he stated that he went twice on the place of occurrence. In Para-14, he didn't record statement of other witnesses apart from witnesses mentioned in the case diary. In Para-15, it is incorrect to say that his investigation is defective.

**15.** Ld. P.P. Sri Upendra Kumar argued that present case has been lodged on the basis of written application of the informant, who alleged that on 28-07-2014 at about 8.00 P.M., the accused persons assaulted the informant and Munna Kumar by means of *lathi* and *Danda* due to which they sustained injury. Further, accused Sheo Prakash Singh @ Tunnu Singh fired at the informant who somehow could save his life. He further argued that I.O submitted charge-sheet No. 244/2014 under Sections 341, 323, 448, 504, 307, 506, 427/34 of the Indian Penal Code and 27 Arms Act against accused persons. He further argued that (P.W-4) Arvind Singh, informant of this case supported the prosecution version who stated in examination-in-chief

that on the day of occurrence, quarrel took place with Om Prakash and others and he proved his signature and signature of Munna Kumar on written application as Ext.- 1 and Ext.-1/1 respectively. He has also identified the accused before the Court and claimed to identify other accused persons. He further argued that (PW-2) Rajendra Singh has also supported the prosecution version, who stated in examination-in-chief that occurrence took place 7-8 years ago at 5.30 P.M., Om Prakash and other accused persons came and assaulted him by means of *Lathi*, to which he was treated at Kargahar Hospital. He has also identified the accused before the court and claimed to identify other accused persons. He further argued that (P.W.-3) Munna Kumar Singh has also supported the prosecution version, who stated in examination-in-chief that on the day of occurrence he sustained head injury by means of *Lathi, Danda*, to which he was treated at Kargahar Hospital. He has also identified the accused before the Court and claimed to identify other accused persons. He further argued that (P.W.-7) Rajendra Prasad, who is investigating officer has proved Charge-sheet no. 244/2014 dated 31-12-2014, which is Ext.- P-2/P.W.-7. Further, he has also proved signature of Shiv Shankar Prasad, S.H.O., on the endorsement of F.I.R., which is Ext. P-3/P.W.-7. He has also proved the place of occurrence. He further argued that informant and the witnesses have supported the case of the prosecution and their testimonies are reliable and trustworthy.

Ld. P.P Sri Upendra Singh argued that prosecution has established the case beyond all reasonable doubt to prove charge

framed against the accused persons. He prayed for the conviction of the accused persons.

**16.** Ld. Defence Counsel Sri Rajeshwar Singh on behalf of defence has argued that accused persons have been implicated falsely in the case whereas, they are innocent. He argued that accused persons have not committed any offence as alleged. He further argued that the witnesses produced before the court have not supported the prosecution case. He further argued that informant (P.W.-4) Arvind Singh has not supported the prosecution version as he stated in cross-examination that due to darkness, he didn't see, who assaulted him. He further argued that (P.W.-2) Rajendra Singh and (P.W.-3) Munna Kumar Singh have also not supported the prosecution version as (P.W.-2) Rajendra Singh has stated in cross-examination that he sustained injury due to fall on the ground, no one had assaulted him and (P.W.-3) Munna Kumar Singh has stated in examination-in-chief that due to crowd, he couldn't see, who had assaulted him. He further argued that I.O. is only a formal witness. He further argued that other witnesses have been declared hostile and they have not supported the case of the prosecution. He further argued that no medical witness has been produced by the prosecution to prove injury as alleged. He further argued that there are material contradictions in the statements of the witnesses, which create doubt.

Ld. Defence Counsel on behalf of accused persons has further argued that prosecution has miserably failed to prove the charge framed against the accused persons. Ld. Counsel for the defence prayed to acquit of the accused persons.

17. I have heard the arguments of Ld. Counsel Sri Rajeshwar Singh on behalf of accused persons and Sri Upendra Kumar, Ld. P.P. on behalf of State and perused the record and scrutinized and analyzed the witnesses examined on behalf of prosecution.

18. In brief, the informant has alleged that on 28-07-2014 at about 8 P.M., the accused persons assaulted him and others due to which they sustained injury. Further, one of the accused persons also fired at him.

The prosecution in support of its case has examined altogether 7 witnesses. Out of them, (P.W.-2) Rajendra Singh, (P.W.-3) Munna Kumar Singh and (P.W.-4) Arvind Singh [informant] are witnesses of the facts of the case. Whereas, (P.W.-7) Rajendra Prasad (I.O.) is formal witness. The remaining witnesses (P.W.-1) Mahendra Singh, (P.W.-5) Gauri Shankar Singh and (P.W.-6) Pawan Kumar have been declared hostile.

However, (P.W.-4) Rajendra Prasad [Informant] has supported the case of the prosecution, as he stated in examination-in-chief that quarrel took place with accused Om Prakash and others and he identified his signature and signature of Munna Kumar Singh on written application which is Ext.- 1 and Ext.- 1/1 respectively. But in cross-examination Para-4, he stated that due to darkness he couldn't identify anyone.

Further, (P.W.-2) Rajendra Singh and (P.W.-3) Munna Kumar Singh have also not supported the case of prosecution as (P.W.-2) Rajendra Singh has stated in cross-examination that he sustained injury due to fall on the ground, (P.W.-3) Munna Kumar Singh has stated in examination-in-chief that due to crowd, he couldn't see, who had

assaulted him. (P.W.-7) Rajendra Prasad, I.O. is a formal witness. Further, medical witness of this case couldn't be examined by the prosecution as doctor has died.

In the present case, there is no sufficient evidence to substantiate charge levelled against the accused persons. The witnesses have not stated about the manner of occurrence, place of occurrence and act done by the accused as alleged by the prosecution. There are material contradictions in the testimonies of (P.W.-2) Rajendra Singh, (P.W.-3) Munna Kumar Singh and (P.W.-4) Arvind Singh [informant]. Moreover, (P.W.-1) Mahendra Singh, (P.W.-5) Gauri Shankar Singh and (P.W.-6) Pawan Kumar have stated that they did not know anything about the occurrence and their statements were not recorded by the police.

In the above facts and circumstances, evidence produced by the prosecution is not sufficient and appreciable to convict the accused persons.

**19.** In a nutshell, testimony of the witnesses when read as a whole, they do not inspire confidence. There are certain features of testimony, which cast a doubt on their truthfulness. As discussed above, evidence of the witnesses produced by the prosecution are not sufficient and appreciable to convict the accused persons. The prosecution miserably failed to prove the charge framed against the accused persons.

**20.** Having gone through carefully the facts and discussion and evidence available on record, I have come to the conclusion that prosecution has not succeeded to prove the alleged charge levelled

against the accused persons beyond shadow of reasonable doubt in the manner alleged.

21. The charge was framed against accused persons namely (1) Om Prakash, (2) Ramanuj Singh, (3) Sheo Prakash @ Tunnu Singh, (4) Usha Devi and (5) Sona Devi for committing the offence punishable under sections 337/34, 341, 504, 307 of the Indian Penal Code and 27 of Arms Act.

22. It is therefore,

**ORDERED**

that under the facts, circumstances and on the basis of evidence adduced on record, accused persons namely (1) Om Prakash, (2) Ramanuj Singh, (3) Sheo Prakash @ Tunnu Singh, (4) Usha Devi and (5) Sona Devi are acquitted of the charge framed against them. Their bail bonds and security bonds stand discharged. Office clerk is directed to consign the record as per rules.

**Announced in open Court:  
On 10<sup>th</sup> March, 2026.**

Dictated & Corrected by me

(Anuj Kumar Jain)  
Sessions Judge  
Rohtas at Sasaram  
10.03.2026

(Anuj Kumar Jain)  
Sessions Judge  
Rohtas at Sasaram  
10.03.2026

Judgment typed by :  
Deepak Kumar  
Stenographer