

IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE III, SAHARSA

Present: Chandan Kumar,
Addl. Sessions Judge III
Date of Judgment -30-04-2026
Session Trial -24/2020
CIS No.- 24/2020
Mahishi P.S case No.-118/1996

Form A	
Complainant/Informant	State of Bihar through Informant- Kamal Prasad Singh, S/o-Bindeshwari Singh, R/o-Lahuar, P.S.- Mahishi, District-Saharsa, Bihar, India.
Represented By	Mr. Sadanand Yadav(Learned APP)
Accused	1. Ranjan Singh, S/o- Haldhar Singh, aged about- 50 Years, R/o-Lahuar, P.S-Mahishi, District- Saharsa, Bihar, India. 2. Manoj Kumar Singh, S/o- Ram Bahadur Singh, aged about- 70 Years, R/o-Lahuar, P.S-Mahishi, District- Saharsa, Bihar, India. 3. Kumod Singh, S/o-Ram Bahadur Singh, aged about- 60 Years, R/o-Lahuar, P.S-Mahishi, District- Saharsa, Bihar, India. 4. Sanjay Singh, S/o- Surendra Singh, aged about- 60 Years, R/o-Lahuar, P.S-Mahishi, District- Saharsa, Bihar, India.
Represented By	1. Mr. Durgesh Kumar.

FORM B

GENERAL

DATE OF OFFENCE	21-12-1996
FIR/INSTITUTION	22-12-1996
CHARGE- SHEET	31-08-2007
COGNIZANCE	06-09-2019
COMMITMENT	13-12-2019
CHARGE/DISCHARGE	26-09-2023
DATE OF COMMENCEMENT OF EVIDENCE	02-09-2024
STATEMENT OF ACCUSED (313 Cr PC)	30-04-2026
DATE ON WHICH JUDGMENT IS RESERVED	30-04-2026
DATE OF JUDGMENT	30-04-2026
DATE OF SENTENCING ORDER, IF ANY	NA
DATE OF TRANSFER TO THIS COURT	16-07-2024

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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.	Ranjan Singh	NA	NA	U/Ss 341, 323, 324, 325, 307, 448, 504, 34 of the IPC.	Acquitted	NA	
2.	Manoj Singh	NA	NA	U/Ss 341, 323, 324, 325, 307, 448, 504, 34 of the IPC.	Acquitted	NA	
3.	Kumod Singh	NA	NA	U/Ss 341, 323, 324, 325, 307, 448, 504, 34 of the IPC.	Acquitted	NA	
4.	Sanjay Singh	NA	NA	U/Ss 341, 323, 324, 325, 307, 448, 504, 34 of the IPC.	Acquitted	NA	

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE
PW 1	Subhash Singh	Hostile
PW 2	Harihar Sada	Hostile
PW 3	Jagnnath Singh	Hostile
PW 4	Parmeshwar Kunwar	Hostile

B. COURT WITNESS, If Any:

NIL

DOCUMENTS EXHIBITED IN COURT

A. PROSECUTION.



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Exhibit P/PW	NA
Exhibit P/PW	NA

B. DEFENCE- NIL

C. COURT EXHIBITS- NIL

D. MATERIAL EXHIBITS-

MARKS FOR IDENTIFICATION- NIL

Chandan Kumar
DASJ III

Saharsa

30-04-2026

JUDGMENT

1. The accused persons namely 1. Ranjan Singh 2. Manoj Kumar Singh 3. Kumod Singh and 4. Sanjay Singh stands charged for the offences punishable U/Ss 341, 323, 324, 325, 307, 448, 504, 34 of the IPC.

2. The case of prosecution in brief as per written information of Kamal Prasad Singh(Now Deceased) is that on 21-12-1996 at about 07:00 PM his co-villagers namely Ranjan Singh, Manoj Kumar Singh, Kumod Singh and Sanjay Singh all in furtherance of common intention came at his doorstep and started making abused and when his younger brother Lal Bahadur Singh made protest then he to has been subjected to assault by Kumod Singh using lathi and the instigation of Manoj Singh to which he got injured and fell down. Further when he informant tried to rescue, he too has been subjected to assault.

3. That on the basis of aforesaid information the case has been registered as Mahishi P.S. Case No.- 118 of 1996 dated 21-12-1996 for the alleged offences punishable under Sections U/Ss 341, 323, 325, 307, 380, 448, 504, 34 of the IPC and later added section 324/307/326 of the IPC vide order dated 30-12-1996. Further after investigation charge-sheet has been submitted in this case against all the four accused persons namely 1. Ranjan Singh 2. Manoj Kumar Singh 3. Kumod Singh and 4. Sanjay Singh for the offence punishable under Sections U/Ss 341, 323, 325, 448, 504, 34 of the IPC. and then on the basis of case diary and charge-sheet learned Magistrate took cognizance on dated 06-09-2019 for the offences punishable under Sections 341, 323, 324, 325, 307, 448, 504, 34 of the IPC against all the four accused persons and then the case was committed to the Court of Session and later charge has been framed on 26-09-2023 for the offence punishable under Sections 341, 323, 324, 325, 307, 448, 504, 34 of the IPC. and thereafter the record has been transferred to this Court for trial and disposal on 16-07-2024.

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4. Altogether four witnesses have been examined in this case on behalf of prosecution and during course of trial the service report of the summon has been received showing death of informant Kamal Prasad Singh vide DR No. 612 of 2026 dated 07-03-2026 and DR No. 615 of 2026 dated 07-03-2026. Similarly it has also been reported so service report about death of witnesses namely Chaturbhuj Singh and Heera Prasad Singh vide DR No. 614 of 2026 dated 07-03-2026 and 613 of 2026 dated 07-03-2026 and thereafter after closing of prosecution evidence statement of the accused persons have been recorded under Section 313(1)(b) of the Cr.P.C. Further defence has not produced any evidence oral or documentary upon which the defence evidence gets closed and then the matter has been fixed for argument and then after hearing the parties at length the case is today fixed for judgment.

5. Now the point for determination is that whether prosecution has been able to bring home charge against the accused persons?

FINDINGS

6. Prosecution has produced nine witnesses:

RANK	NAME	NATURE OF EVIDENCE
PW 1	Subhash Singh	Hostile
PW 2	Harihar Sada	Hostile
PW 3	Jagnnath Singh	Hostile
PW 4	Parmeshwar Kunwar	Hostile

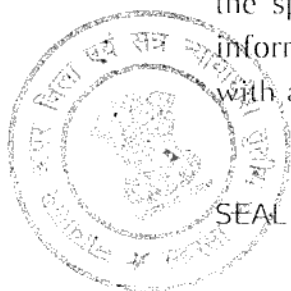
Exhibits:

Exhibit P/PW	NA
Exhibit P/PW	NA

7. (i) **PW-1 Subhash Singh** has stated to have no idea of the incident and further stated to have not made any statement before the police upon which the witness has been declared hostile on the request of the prosecution.

Further on being cross examined by the counsel for the stated he has denied to have stated before the police that on hearing the noise he reached to the spot and saw that the accused named in the FIR were arguing with the informant's brother and in said course Kumod Singh hit the informant's brother with a stick at the instigation of Manoj Singh. Further he has stated that Jagan

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Singh hit the informant's brother on the head with the axe in his hand and after entering the house the accused looted the informant's clothes, blankets, bedsheet box etc. and went away. Further the injured was taken to Saharsa hospital for treatment. Further he recognized the accused Sanjay Singh present in the court and claimed to recognize the other accused also after seeing them.

Further on being cross-examination by the defence he has stated that he is giving his statement for the first time and further stated to have recognized accused persons as his co-villagers.

(ii) **PW-2 Harihar Sada** has stated to have no idea of the incident and further stated to have not made any statement before the police upon which the witness has been declared hostile on the request of the prosecution.

Further on being cross examined by the counsel for the stated he has denied to have stated before the police that both the informant and the accused are neighbours and due to previous enmity between them, a fight took place on the date of the incident in which the informant's brother got seriously injured and a case had also been filed earlier too. Further he recognized the accused Sanjay Singh present in the court today and claimed to recognize other accused also after seeing them. Further he denied to have deposed falsely in collusion of the accused persons.

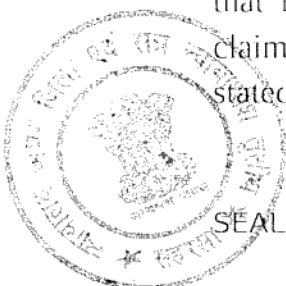
Further on being cross-examination by the defence he has stated that he is giving his statement for the first time and further stated to have recognized accused persons as his co-villagers.

(iii) **PW-3 Jagannath Singh** has stated to have no idea of the incident and further stated to have not made any statement before the police upon which the witness has been declared hostile on the request of the prosecution.

Further on being cross examined by the counsel for the stated he has denied to have stated before the police that on the date of incident at about 7 p.m. he was at his home wherein Ranjan Singh, Manoj Kumar Singh, and others from the village came to the informant's door, started abusing him, vandalized the property, and when he objected, they began assaulting him with sticks, resulting in injuries. Further he recognized the accused present in the court. Further he denied to have deposed falsely in collusion of the accused persons.

Further on being cross-examination by the defence he has stated that informant Kamal Singh who was also the village headman. Further he claimed to know the informant's brother, Lal Bahadur Singh. Further he has stated that the informant and accused persons are his co-villagers, so he

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recognize them. Further he has stated that Kamal Singh and Lal Bahadur Singh are deceased.

(iv) **PW-4 Parmeshwar Kunwar** has stated to have no idea of the incident and further stated to have not made any statement before the police upon which the witness has been declared hostile on the request of the prosecution.

Further on being cross examined by the counsel for the state he has denied to have stated before the police that on the date of incident he was at his home and at about 7 PM. Ranjan Singh, Manoj Kumar Singh, Kunwar Singh, etc. of the village came to the informant's door and started abusing him and vandalized his jafri. Further when he objected, they started beating him with sticks. Further when the informant's younger brother, Lal Bahadur Singh, tried to stop them, Kunwar Singh(Sic Kumod Singh) hit him with a stick, injuring Lal Bahadur Singh. Further he claimed to recognized accused persons on seeing them. Further he denied to have deposed falsely in collusion of the accused persons.

Further on being cross-examination by the defence he has stated that he is giving his statement for the first time and claimed to know accused persons as co-villagers.

8. Argument by the parties :

Prosecution :

Learned counsel for the prosecution has submitted appropriate order may passed on the basis of material available on record. However he conceded that as per the report the informant and the injured has already died.

Defence :

Learned counsel for the defence submits that none of the witness have stated on the complicity of accused persons facing trial for the alleged crime. Witnesses have categorically stated to have not seen the assailant. There is no evidence to connect accused persons with the alleged crime. Since the prosecution has failed to prove the case, therefore the accused be acquitted in the case.

Analysis

9. In this context, it appears to this court that there are certain pivotal points to ponder over so as to reach to a logical conclusion :

(1) The case of prosecution in brief as per written information of Kamal Prasad Singh(Now Deceased) is that on 21-12-1996 at about 07:00 PM his co-villagers namely Ranjan Singh,



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Manoj Kumar Singh, Kumod Singh and Sanjay Singh all in furtherance of common intention came at his doorstep and started making abused and when his younger brother Lal Bahadur Singh made protest then he to has been subjected to assault by Kumod Singh using lathi and the instigation of Manoj Singh to which he got injured and fell down. Further when he informant tried to rescue, he too has been subjected to assault.

(II) On appreciation of evidence it appears that altogether four witnesses have been examined amongst whom PW1, PW2, PW3, and PW4 have been declared hostile by the prosecution as they have stated to have no idea of the incident.

(III) That the IO has not been examined although from the Memo No. 541/PC dated 02-03-2026 through FAX from the Office of the Superintendent of Police received to this court shows that the steps have been taken for the evidence of I.O but they have not appeared till date.

(IV) That Doctor has also not been examined.

(V) The service report of the summon has been received showing death of informant Kamal Prasad Singh vide DR No. 612 of 2026 dated 07-03-2026 and DR No. 615 of 2026 dated 07-03-2026.

(VI) That it appears to this court that ocular evidence in the case have not been substantive and intact enough so as to bring home the guilt of the accused beyond all reasonable and probable doubts.

(VII) That it can be ratiocinated from the above facts and discussions that the evidences adduced by the prosecution are not



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strong enough to put the accused in spectrum of guilt beyond all reasonable and probable doubts. The ocular evidences does not inspire confidence and they have been impeached in their respective cross examination, so as to put dent in the case of the prosecution. The testimonies have to be read as a whole and it appears that testimonies of the witnesses lack the punch required to prove the case. It is evident that informant and injured has been assaulted but by whom and how – has not been clearly established by the prosecution in its evidences. There are material contradiction in the case. Lack of corroborative and substantive evidences in the case has rather supported the defence in the case.

It is therefore accordingly **ordered that** let the accused person-

1. Ranjan Singh 2. Manoj Kumar Singh 3. Kumod Singh 4. Sanjay Singh be ACQUITTED of the charge for the offence punishable U/Ss 341, 323, 324, 325, 307, 448, 504, 34 of the IPC. of the IPC. The accused persons namely **1.Ranjan Singh 2. Manoj Kumar Singh 3. Kumod Singh 4. Sanjay Singh** are on bail. Their bail bond are canceled and discharge.

Office clerk is directed to act accordingly.

Compensation: This is a case in which the injured/heir of the injured have not supported their earlier version given at the time of lodging of the FIR in their evidence in the Court and thus I don't find it appropriate to send the matter for compensation as compensation in present case undermines its purpose.

(Pronounced in open court)

Typed & corrected by me.

Chandan Kumar

Additional Sessions Judge-III

Saharsa

Dated: 30-04-2026

Chandan Kumar

Additional Sessions Judge-III

Saharsa

Dated: 30-04-2026



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