

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-IV, SAHARSA			
Present:- Avinash Kumar-I, District & Additional Sessions Judge-IV, Saharsa			
<u>Date of the Judgment:-22.07.2026</u>			
<u>Case No.- Sessions Trial Case No- 268 of 2023</u> (Arising out of Mahishi P.S. Case No. 71/2022) (u/s- 341, 323, 385, 308, 504, 506 r/w 34 of IPC)			
INFORMANT	State of Bihar (through the informant Rajendra Choudhary S/o Harikant Choudhary R/o- Vill. Mahishi, P.S.- Mahishi, Dist- Saharsa)		
REPRESENTED BY	Ld. APP		
Versus			
ACCUSED SONS	PER-	Keshav Kumar Choudhary s/o Panna Choudhary R/o- Vill. Mahishi, P.S.- Mahishi, Dist- Saharsa	(A1)
		Akshay Kumar Choudhary s/o Panna Choudhary R/o- Vill. Mahishi, P.S.- Mahishi, Dist- Saharsa	(A2)
		Utpal Kumar s/o Late Tara Jha R/o- Vill. Satarwar, P.S.- Mahishi, Dist- Saharsa	(A3)
REPRESENTED BY	Sri. Bilash Choudhary, Ld. Advocate		

Statement of History of Proceedings

Date of Offence	22.03.2022
Date of F.I.R.	24.03.2022
Date of filing of Charge-sheet	30.12.2022
Date of Cognizance	10.01.2023
Date of commitment	18.07.2023
Date of initiation of Session	28.07.2023
Date of Framing of Charges	01.09.2023
Date of commencement of evidence	30.10.2023
Date of closure of evidence	17.03.2026
Statement under section 313 of Cr.P.C	20.05.2026

Date on which the judgment is reserved	N/A
Date of Judgment	22.07.2026
Date of the Sentencing Order, if any	N/A

ACCUSED DETAILS (Form-B)

Rank of Accused	Name of the Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or Convicted	Sentence Impose	Period of Detention Undergone during trial for purpose of section 482, Cr.P.C
A-1	Keshav Kumar Choudhary		09.05.2023 (Anticipatory Bail)	u/s 341, 323, 385, 308, 504, 506 r/w 34 of IPC.	Acquitted	N/A	--
A-2	Akshay Kumar Choudhary		09.05.2023 (Anticipatory Bail)	u/s 341, 323, 385, 308, 504, 506 r/w 34 of IPC.	Acquitted		
A-3	Utpal Kumar		09.05.2023 (Anticipatory Bail)	u/s 341, 323, 385, 308, 504, 506 r/w 34 of IPC.	Acquitted		

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution Witnesses

RANK	NAME	NATURE OF EVIDENCE(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCHWITNESS, OTHER WITNESS)
PW-01	Prabhash Jha	Private Witness
PW-02	Santosh Paswan	Private Witness
PW-03	Rajendra Choudhary	Informant
PW-04	Narendra Kumar Choudhary	Private Witness

DOCUMENTARY EVIDENCE

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution Exhibits

Sr. No.	Exhibit Number	Description
---------	----------------	-------------

1	P1/PW-3	Signature of PW-3 on FIR
---	---------	--------------------------

Date of Judgement: 22.07.2026

Present: Sri Avinash Kumar-I

District & Addl. Sessions Judge IV,
Saharsa.

BRIEF FACTS

1. The FIR bearing **Mahishi P.S. case no. 71 of 2022** was registered on 24.03.2022, on the written report of Rajendra Choudhary S/o Harikant Choudhary, against three accused persons namely 1. Utpal Kumar 2. Akshay Kumar Choudhary and 3. Keshav Kumar Choudhary and 4-5 unknown persons as u/s 341, 323, 324, 384, 307, 379, 504, 506 r/w 34 of IPC.
2. The prosecution story in brief as per informant Rajendra Choudhary is that on 22.03.2022 at about 04:00 PM, when the informant was having discussion with his younger brother, then his nephew accused Keshav Kumar Choudhary and Akshay Kumar Choudhary came and pressed his neck and demanded Rs. 5 lakh as rangdari and threaten to kill. After then accused Akshay Kumar Choudhary and Keshav Kumar Choudhary and others attacked upon the informant and injured him. It has been further alleged that accused Akshay Kumar Choudhary snatched a bag containing one lakh rupees and after then thrown a stone.
3. The investigation of the present case was done by I.O Kumar Binodanand and charge-sheet no. 210/2022 dated 30.12.2022 u/s 341, 323, 385, 308, 504, 506 r/w 34 of IPC against the accused persons namely 1. Keshav Kumar Choudhary 2. Akshay Kumar Choudhary and 3. Utpal Kumar was filed by I.O.

- 4. Cognizance was taken for the offence u/s 341, 323, 385, 308, 504, 506 r/w 34 of IPC vide order dated 10.01.2023 against the accused persons namely 1. Utpal Kumar 2. Akshay Kumar Choudhary and 3. Keshav Kumar Choudhary.
- 5. After compliance of provisions of section 207 of the code of Criminal Procedure **charge was framed against accused 1. Keshev Kumar Choudhary 2. Akshay Kumar Choudhary and 3. Utpal Kumar on 01.09.2023** u/s 341, 323, 385, 308, 504, 506 r/w 34 of IPC to which they denied and claimed to be tried.
- 6. **The prosecution has produced 04 witnesses** to support its case after which the statement of the accused person was recorded u/s 313 of Cr.P.C on 20.05.2026 to which they pleaded their innocence.
- 7. The point for determination in this case is that whether the prosecution has been able to bring home the guilt of the accused person beyond the shadow of all reasonable doubts for the offence punishable u/s 341, 323, 385, 308, 504, 506 r/w 34 of IPC

EVIDENCE

- 8. In order to prove its case, the prosecution has produced 04 witnesses.

EVIDENCE ADDUCED IN THIS CASE

1) Evidence of prosecution:

i) Oral Evidence:-

- a) Prabhash Jha
- b) Santosh Paswan
- c) Rajendra Choudhary (Informant)
- d) Narendra Kumar Choudhary

ii) Documentary Evidence

Sr. No.	Exhibit Number	Description
---------	----------------	-------------

1	P1/PW-3	Signature of PW-3 on FIR
---	---------	--------------------------

2) Evidence of defence:-

No evidence, oral and documentary, has been adduced by the accused persons in their defence.

APPRECIATION OF EVIDENCE

9. अभियोजन साक्षी संख्या- 1 प्रभाष झा, अपने मुख्य परीक्षण में कहते है कि मै घटना की तारीख नही जानता हूं। घटना की जानकारी हैं। मुदर्ई एवं मुदालह दोनों भाई ही है। दोनों के बीच झागड़ा के बारे में पता चला था। किस चीज को लेकर झगड़ा हुआ नही जानते है। **मारपीट मैं नही देखा था।**

अभियोजन पक्ष के अनुराध पर साक्षी को पक्ष द्रोही घोषित किया जाता है।

वह अपने प्रति परीक्षण में कहते है कि आज इस मुकदमा मे पहली बार गवाही दे रहा हूं। इससे पहले पुलिस मे मैंने कोई गवाही नही दिया है। सभी मुदालह ग्रामीण है इसलिए पहचानता हूं।

10. अभियोजन साक्षी संख्या- 2 संतोष पासवान, अपने मुख्य परीक्षण में कहते है कि घटना की मुझे कोई जानकारी नही हैं।

अभियोजन पक्ष के अनुराध पर साक्षी को पक्ष द्रोही घोषित किया जाता है।

वह अपने प्रति परीक्षण में कहते है कि आज इस मुकदमा मे पहली बार गवाही दे रहा हूं। इससे पहले पुलिस मे मैंने कोई गवाही नही दिया है। सभी मुदालह ग्रामीण है इसलिए पहचानता हूं।

11. अभियोजन साक्षी संख्या- 3 राजेन्द्र चौधरी (सूचक), अपने मुख्य परीक्षण में कहते है कि यह केस मैंने ही किया है। यह केस दिनांक 22.03.2022 को केशव चौधरी, अक्षय चौधरी और उत्पल कुमार के विरुद्ध किया था। मेरा एक टुटा हुआ घर था तो उसकी मरम्मत के लिए मै और मेरा छोटा भाई नरेन्द्र चौधरी अपास में बात कर रहे थे तो **उसी कम में केशव चौधरी और अक्षय चौधरी दौड़कर आया तो कहा कि घर यहां न बनाकर यहां बनाईए। इसी बीच धक्का-मुक्का होने लगा।** उस झगड़े में मेरा छोटा भाई नरेन्द्र कुमार चौधरी को भी चोट लगा था।

मैंने अपना ईलाज महिषी पी.एच.सी मे करवाया।

मैंने थाना में आवेदन दिया था जो मेरे द्वारा नही लिखा गया था, उस पर सिर्फ मेरा हस्ताक्षर है, जिसे मैं पहचानता हूं जिसे प्रदर्श संख्या P1/PW-3 अंकित किया जाता है।

वह अपने प्रति परीक्षण में कहते है कि इस केस का मै सूचक हूं।

घटनास्थल पर बहुत भीड़ जमा हो गया था और भगदड़ सी मच गई थी।

भीड़ में ईंट भी चलाया जा रहा था, उस कम मे किसको चोट लगा ये मैं नहीं बता सकता।

इस केस मे जो मुदालयगण है सभी मेरे दयाद है, इसलिए मैं पहचानता हूँ।

मुझसे कौन रंगदारी मांग रहा है, मैं नहीं बता सकता हूँ।

इस मुकदमा मे मैंने बिना किसी गवाह के सुलहनामा आवेदन लगाया है, जिसपर मेरा हस्ताक्षर है।

मैं आगे मुकदमा नहीं लड़ना चाहता हूँ।

12. **अभियोजन सांक्षी संख्या- 4 नरेन्द्र कुमार चौधरी**, अपने मुख्य परीक्षण में कहते है कि मुझे घटना के बारे मे जानकारी है यह घटना दिनांक 22.03.2022 को शाम के 4-5 बजे के समय हुआ था।

पुराना घर की मरम्मत के लिए मैं और मेरा भाई आपस मे विचार विमर्श कर रहे थे।

उसी समय मेरा भतीजा केशव कुमार चौधरी और अक्षय कुमार चौधरी आए और हल्ला करने लगा तो भईया ने कहे कि इतना हल्ला क्यों करते हो तो भीड़ जमा हो गई। **भीड़ में धक्का-मुक्की होने से मैं और मेरे भईया गिर गए, जिससे हमलोग जख्मी हो गए।**

वह अपने प्रति परीक्षण मे कहते है कि **इस केस मे मेल-मिलाप कर लिया है।**

इसमे मैं सुलहनामा और परमिशन पेटिसन भी दिया हूँ।

मुझे कैसे चोट लगा इसके बारे मे मैं कुछ नहीं कह सकता हूँ।

अब मुदालयलोग से कोई शिकायत नहीं है।

आज न्यायालय में उपस्थित अभियुक्त को पहचानता हूँ जो कि मेरा भतीजा है और आज न्यायालय में उपस्थित नहीं है उसे भी पहचानता हूँ।

अन्य सभी मुदालय से भी मेल-मिलाप कर लिया हूँ।

ARGUMENTS

12. Ld. APP arguing on behalf of state/prosecution submits that PW-1 has not supported the prosecution case and PW-2 has been declared hostile. He further submits that PW-3, Rajendra Choudhary (Informant) has partially supported the incident or occurrence but has not made any specific allegation against the accused persons and this witness has stated due to jostling (धक्का-मुक्की) his brother got injured. He further submits that PW-3, who happens to be the informant has stated that his brother got injured by stone bricks being thrown by the mob and has not made any specific allegation against the accused persons and has stated

in his deposition that matter has been compromised and he does not want to proceed in this case any more.

Ld. APP further submits that PW-4, Narendra Kumar Choudhary has also deposed, the same line of the informant and has not put any specific allegation against the accused persons and deposed that due to jostling, his brother fell down and got injured.

Ld. Defence counsel arguing on behalf of accused persons submits that there is no incriminating material against the accused persons on record and all the witnesses have not supported the prosecution case.

FINDINGS

13. After going through and appreciating the evidence of all the prosecution witnesses, wherein **PW-1 Prabhash Jha** has stated that **he has no knowledge of alleged incident** and has not seen the alleged scuffle. This witness has also stated that he has not given any statement before the police. **PW-2 Santosh Paswan** has also turned hostile and deposed that **he has no knowledge of incident. PW-3 Rajendra Chaudhary**, who happen to be **informant** has stated in his deposition that on 22.03.2022, a scuffle took place between informant and the accused persons and the mob gathered around did stone pelting resulting into injuries. This witness has also not pointed any finger towards the accused persons and has stated that the **matter has been compromised** between the parties and a compromise petition has been filed bearing his signature. **PW-4 Narendra Kumar Chaudhary** has also deposed in the line of the informant and has stated that the matter has been compromised. This witness stated that he can't say how he was injured and has not pointed any finger towards the accused persons.

CONCLUSION

14. Therefore, considering the evidences and arguments advanced by Ld. Defence Counsel as well as Ld. APP, this court finds that the **prosecution has failed to prove its case beyond reasonable doubt** and has not succeeded in bringing the guilt of the accused persons.

ORDER

15. Therefore on the basis of **no evidence and no incriminating material** against accused persons namely 1. Keshav Kumar Chaudhary, s/o Panna Chaudhary, 2. Akshay Kumar Chaudhary, s/o Panna Chaudhary and 3. Utpal Kumar, s/o- Tara Jha, they are hereby acquitted from all the charges u/s- 341, 323, 385, 308, 504, 506, 34 of IPC.

Since all the accused persons are already on bail therefore they are set free at once.

The judgment dictated, corrected,
signed, dated and pronounced
today in the open court by me.

Sd/-

Avinash Kumar-I
District & Additional Sessions
Judge-IV
Saharsa
22.07.2026

Sd/-

Avinash Kumar-I
District & Additional Sessions
Judge-IV
Saharsa
22.07.2026

