

FORM A

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-I,
ROSERA, DISTRICT-SAMASTIPUR
Present- DUSHYANT KUMAR, Additional Sessions Judge- I, Rosera
[Date of the Judgment on 30.06.2026]
[Sessions Trial No.-39/2025, CIS No. 21/2025]

(Details of FIR/Crime and Police Station)
Details of FIR- Bibhutipur P.S. Case No.-292/2022

Complainant/Informant	State of Bihar through Arun Kumar Sahni Son of Baijnath Sahni, R/o Village- Mahmadpur Sakra, P.S. Bibhutipur, District- Samastipur, Informant.
REPRESENTED BY	Sri Sita Ram Yadav
ACCUSED	(1) Baiju Sahni aged about 42 years Son of Shri Sahni, R/o Village - Mahmadpur Sakra, P.S. Bibhutipur, District- Samastipur, (2) Shri Sahni aged about 63 years Son of Late Budhu Sahni,R/o Village - Mahmadpur Sakra, P.S. Bibhutipur, District- Samastipur, (3) Ram Pravesh Nishad alias Sonu Kumar aged about 28 years Son of Shri Sahni, R/o Village - Mahmadpur Sakra, P.S. Bibhutipur, District- Samastipur, (4) Parmanand Sahni aged about 53 years Son of Late Budhu Sahni, R/o Village - Mahmadpur Sakra, P.S. Bibhutipur, District- Samastipur, (5) Raja Ram Sahni aged about 26 years Son of Parmanand Sahni, R/o Village - Mahmadpur Sakra, P.S. Bibhutipur, District- Samastipur, (6) Runna Devi aged about 56 years Wife of Shri Sahni, R/o Village - Mahmadpur Sakra, P.S. Bibhutipur, District- Samastipur, (7) Devaki Devi aged about 35 years Wife of Baiju Sahni, R/o Village - Mahmadpur Sakra, P.S. Bibhutipur, District- Samastipur,
REPRESENTED BY	Sri, Satikant Sahni Shashi, Advocate.

FORM B

Date of Offence	17.07.2022
Date of FIR	18.07.2022
Date of Charge-sheet	29.09.2022
Date of Framing of Charges	01.08.2025
Date of commencement of evidence	24.09.2025
Date on which judgment is reserved	30.06.2026
Date of the judgment	30.06.2026
Date of the Sentencing Order, if any	N/A

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	Baiju Sahni,	N/A	(On surrender) 31.08.2022	147, 341/149, 323/149, 308/149, 354-B/149, 379/149, 447/149,504/149, 506/149 of Indian Penal Code.	Acquitted	N/A	-NA
2	Shri Sahni	N/A	-Do-	147, 341/149, 323/149, 308/149, 354-B/149, 379/149, 447/149,504/149, 506/149 of Indian Penal Code.	-Do-	N/A	-NA
3	Ram Pravesh Nishad alias Sonu Kumar	N/A	-Do-	-Do-	-Do-	N/A	-NA
4	Parmanand Sahni	N/A	-Do-	-Do-	-Do-	N/A	-NA
5	Raja Ram Sahni	N/A	-Do-	-Do-	-Do-	N/A	-NA
6	Runna Devi	N/A	-Do-	-Do-	-Do-	N/A	-NA
7	Devaki Devi	N/A	-Do-	-Do-	-Do-	N/A	-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)
P.W.-1	Baijnath Sahni	Non official Witness,
P.W.-2	Lal Pari Devi	Non official Witness,
P.W.-3	Arun Kumar Sahni	Non official Evidence, (Informant of the case)
P.W.-4	Sushil Kumar Sahni alias Sushil Sahni	Non official Witness,

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNES, OTHER WITNESS)
N/A	N/A	N/A
N/A	N/A	N/A

C. Court witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNES, OTHER WITNESS)
N/A	N/A	N/A

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Exhibit-1	Signature of informant on the written statement

B. Defence

Sr. No.	Exhibit Number	Description
N/A	N/A	N/A

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
N/A	N/A	N/A

D. Material Objects :

Sr. No.	Exhibit Number	Description
N/A	N/A	N/A

Judgment

1. Seven (07) accused, namely, Ram Pravesh Nishad alias Sonu Kumar, Shree Sahni, Baiju Sahni, Parmanand Sahni, Raja Ram Sahni, Runna Devi and Devaki Devi have been sent for trial for the commission of offences punishable under Sections 147, 341/149, 323/149, 308/149, 354-B/149, 379/149, 447/149, 504/149, 506/149 of Indian Penal Code.
2. Briefly stated, the facts leading to the present case are that the informant, Arun Kumar Sahni, submitted a written application before the SHO, Bibhutipur Police Station, alleging that on 17.07.2022 at about 10:00 P.M., while he was collecting wood scattered in front of his house, the accused persons, namely, Ram Pravesh Nishad @ Sonu Kumar, Shree Sahni, Baiju Sahni, Parmanand Sahni, Raja Ram Sahni, Runna Devi, and Devaki Devi, arrived there armed with sticks and other weapons. They surrounded the informant and started abusing him. When the informant objected, Ram Pravesh Nishad instigated the other accused persons to assault him, whereupon they all began beating him, causing him to fall to the ground. Thereafter, Ram Pravesh Nishad assaulted the informant on his chest with a stick. On hearing the informant's cries, his father, Baijnath Sahni, and his mother, Lal Pari Devi, came to rescue him. It is alleged that the accused persons assaulted his father with bricks, causing injuries to him. Further, Ram Pravesh Nishad and Baiju Sahni allegedly caught hold of the informant's mother by her hair, dragged her, threw her to the ground, and disrobed her. It is further alleged that Raja Ram Sahni snatched away the gold jewellery worn by the informant's mother, valued at Rs. 55,000/-. Thereafter, all the accused persons fled the place after extending threats and hurling abuses at the informant and his family members. The informant and his injured family members were initially treated at the Primary Health Centre, Bibhutipur, and were thereafter referred to Sadar Hospital, Samastipur, for further treatment. It is further alleged that earlier on the same day, i.e., 17.07.2022 at about 4:00 P.M., when the informant was getting a ditch excavated through a JCB machine, the accused persons objected to the excavation, stopped the work, and assaulted the informant as well as his parents.
3. On the basis of the aforesaid written application of the informant, Bibhutipur P.S. Case No. 292 of 2022 was instituted on 18.07.2022 under Sections 341, 323, 504, 354-B, 447, 308, 379 and 147 of the Indian Penal Code against the above-named seven (07) accused persons. Thereafter, investigation commenced.
4. During the course of investigation, all the accused persons were granted anticipatory bail vide order dated 17.08.2022 passed in A.B.P. No. 237(C) of 2022, and pursuant thereto, they were released on bail on 31.08.2022.
5. Upon completion of the investigation, Charge-sheet No. 486 of 2022 dated 29.09.2022 was submitted under Sections 341, 323, 504, 506, 354-B, 447, 308, 379 and 147 of the Indian Penal Code against the aforesaid seven (07) accused persons. Vide order dated 10.10.2023, the Ld. Magistrate took cognizance of the offences punishable under Sections 341, 323, 504, 506, 354-B, 447, 308, 379 and 147 of the Indian Penal Code against all the seven (07) accused persons. Thereafter, vide order dated 16.12.2024, the case was committed to the Court of the Ld. District & Sessions Judge, Samastipur, for trial, as the offence under Section 308 of the Indian Penal Code is exclusively triable by the Court of Sessions.
6. On 01.08.2025, after hearing the Ld. Additional Public Prosecutor and the Ld. Counsel appearing for the accused persons, and upon perusal of the materials available on record, this Court found sufficient grounds for framing charges under Sections 147, 341/149, 323/149, 308/149, 354-B/149, 379/149, 447/149, 504/149 and 506/149 of the Indian Penal Code against the aforesaid seven (07) accused persons. The contents of the charges were read over and

explained to the accused persons in Hindi, to which they pleaded not guilty and claimed to be tried. Accordingly, the prosecution was directed to adduce its evidence, and the trial commenced.

7. During the course of trial, the prosecution examined only four (04) out of the seven (07) witnesses cited in the charge-sheet. Despite issuance of several processes and grant of repeated opportunities to the prosecution, neither the Investigating Officer nor the Medical Officer could be examined.
8. Baijnath Sahni, the father of the informant, was examined as P.W.-1 on 24.09.2025. In his examination-in-chief, he deposed that the occurrence had taken place about three years earlier at about 10:00 P.M. At that time, he was sitting at the doorstep of his house. According to him, Ram Pravesh Sahni, Shree Sahni, Baiju Sahni, Raja Ram Sahni, Parmanand Sahni, Runna Devi and Devaki Devi came there and assaulted him, as a result of which he sustained injuries on his chest. He further deposed that Ram Pravesh Sahni assaulted him, his son and his wife. Thereafter, they were taken to the Primary Health Centre, Bibhutipur, from where they were referred to Sadar Hospital, Samastipur, for treatment. He further stated that the case was instituted on the basis of the written application submitted by Arun Kumar Sahni. The witness identified accused Shree Sahni, who was present in Court, and stated that he could identify the remaining accused persons if shown to him.
9. In his cross-examination by the defence, the witness deposed that the case had been voluntarily compromised and that a compromise petition bearing his signature had been filed. He further stated that the accused persons had not formed any unlawful assembly, that they had arrived one by one, that they were empty-handed, and that he could not say who had assaulted whom. He also deposed that no female member of the family was subjected to any misbehavior.
10. Lal Pari Devi, the mother of the informant, was examined as P.W.-2 on 24.09.2025. In her examination-in-chief, she deposed that the occurrence had taken place about three years earlier at about 10:00 P.M., when she was sitting at the doorstep of her house. At that time, Ram Pravesh Sahni, Shree Sahni, Baiju Sahni, Raja Ram Sahni, Parmanand Sahni, Runna Devi and Devaki Devi came there and assaulted her, her husband and her son. Thereafter, they were treated at the Primary Health Centre, Bibhutipur, and were subsequently referred to Sadar Hospital, Samastipur, for further treatment. She further stated that the case had been lodged by Arun Kumar Sahni. The witness identified accused Shree Sahni, who was present in Court, and stated that she could identify the remaining accused persons upon seeing them. In her cross-examination by the defence, she deposed that the matter had been voluntarily compromised and that a compromise petition bearing her signature had been filed. She further stated that the accused persons had not formed any unlawful assembly, that they had arrived one by one, that they were empty-handed, and that she could not say who had assaulted whom. She also deposed that no female member had been subjected to any misbehavior.
11. Arun Kumar Sahni, the informant, was examined as P.W.-3 on 18.02.2026. In his examination-in-chief, he deposed that he was the informant of the present case. The occurrence had taken place about three and a half years earlier at about 10:00 P.M., when he was present at the doorstep of his house. According to him, Ram Pravesh Sahni, Shree Sahni, Baiju Sahni, Raja Ram Sahni, Parmanand Sahni, Devaki Devi and Runna Devi came there, started abusing him and assaulted him. When his parents and his brothers, namely, Sitaram Sahni and Rajesh Sahni, came to rescue him, they too were assaulted by the accused persons. The injured persons were taken to the Primary Health Centre, Bibhutipur, where they were treated and thereafter referred to Sadar Hospital, Samastipur, for further treatment. He further deposed that thereafter

he got the written application drafted by another person and submitted the same before the police station. The witness identified the written application bearing his signature, which, upon identification, was marked as Exhibit-1. He also identified accused Shree Sahni, who was present in Court, and stated that he could identify the remaining accused persons upon seeing them.

12. In his cross-examination by the defence, the witness stated that both sides had instituted criminal cases against each other. He further deposed that the case in which he was an accused had already been disposed of on the basis of compromise. He further stated that the accused persons had come one by one and had also left one by one, and that they had not formed any unlawful assembly. He further deposed that he could not say who had assaulted whom and that the accused persons had come empty-handed. He also deposed that no attempt had been made to outrage the modesty of any female member. Lastly, he stated that the compromise petition filed in the present case, bearing his signature, had been voluntarily executed by him.
13. Sushil Kumar Sahni @ Sushil Sahni was examined as P.W.-4 on 17.03.2026. In his examination-in-chief, he deposed that the occurrence had taken place about three and a half years earlier. At the time of the occurrence, he was not present at the place of occurrence. He further stated that at about 7:00 A.M., he came to know that an altercation had taken place between Arun Kumar Sahni and Ram Pravesh Nishad @ Sonu, but he had no further knowledge regarding the incident. He also stated that his statement had not been recorded by the police. At the request of the prosecution, the witness was declared hostile. In his cross-examination by the prosecution, he denied having made any statement before the police supporting the allegations contained in the F.I.R. The witness identified accused Shree Sahni, who was present in Court, and stated that he could identify the remaining accused persons upon seeing them. He denied the suggestion that he had deliberately concealed the true facts of the case in collusion with the accused persons and had resiled from his earlier statement allegedly made before the police. In his cross-examination by the defence, he stated that he identified the accused persons only because they were co-villagers and reiterated that he had no personal knowledge of the occurrence.
14. As stated above, despite issuance of all necessary processes, the remaining witnesses, including the official witnesses, could not be examined. During the course of the proceedings, the Ld. Counsel for the accused submitted that no useful purpose would be served by granting further opportunities to the prosecution to examine the remaining witnesses, particularly the official witnesses, inasmuch as the material witnesses, including the informant and the injured witnesses, had already been examined and had not supported the prosecution case in material particulars. It was further submitted that the matter had already been compromised between the parties. Considering the aforesaid circumstances, this Court found that no useful purpose would be served by granting further opportunity to the prosecution for examination of the remaining witnesses. Accordingly, the prosecution evidence was closed, and the statements of the accused persons were recorded under Section 313 of the Code of Criminal Procedure on 30.06.2026.
15. The Ld. Counsel for the defence submitted that the accused persons did not wish to adduce any evidence in defence. Thereafter, the case was posted for final arguments.
16. During the course of arguments, the Ld. Additional Public Prosecutor submitted that P.W.-1, P.W.-2 and P.W.-3 had supported the prosecution case in their examination-in-chief and that their evidence was sufficient to bring home the charges levelled against the accused persons. Per contra, the Ld. Counsel for the defence submitted that the present case was, in effect, a case of no evidence. It was contended that although P.W.-1, P.W.-2 and P.W.-3 had partially

supported the prosecution case in their examination-in-chief, they had, in their cross-examinations, materially contradicted their earlier versions by admitting that there was a case and counter-case between the parties, that the case against them had already been disposed of on the basis of compromise, that the present case had also been compromised, that no unlawful assembly had been formed, that the accused persons had come empty-handed, that they could not say who had assaulted whom, and that no female member had been subjected to any misbehaviour. It was, therefore, argued that their testimony did not inspire confidence and was wholly insufficient to sustain the conviction of the accused persons.

17. Heard Ld. Additional Public Prosecutor for the State and the Ld. Counsel for the accused. The entire lower court record has also been carefully perused. The above-named seven (07) accused persons stand charged under Sections 147, 341/149, 323/149, 308/149, 354-B/149, 379/149, 447/149, 504/149 and 506/149 of the Indian Penal Code. It is a settled principle of criminal jurisprudence that the burden lies entirely upon the prosecution to prove the charges against the accused beyond all reasonable doubt, and the accused are entitled to the benefit of every reasonable doubt arising from the evidence on record.
18. In order to establish its case, the prosecution examined only four (04) witnesses. P.W.-1 Baijnath Sahni, P.W.-2 Lal Pari Devi and P.W.-3 Arun Kumar Sahni are the injured witnesses and, therefore, their testimony ordinarily carries considerable evidentiary value. In their examination-in-chief, they broadly supported the prosecution case by stating that an occurrence had taken place and that they had sustained injuries. However, their testimony, when read as a whole, particularly in the light of their cross-examination, suffers from material inconsistencies which go to the root of the prosecution case. All the three witnesses categorically admitted that the matter had been amicably compromised and that compromise petitions bearing their respective signatures had been voluntarily filed. More importantly, they deposed that the accused persons had not formed any unlawful assembly, that they had come one by one, that they were empty-handed, and that they could not say as to which accused had assaulted which victim. They further categorically denied the allegation that any female member had been subjected to any act amounting to outraging of modesty. These admissions completely demolish the prosecution version regarding the formation of an unlawful assembly, the common object attributed to the accused persons, the use of weapons, and the specific allegations constituting the offences under which the accused stand charged. Consequently, their testimony does not inspire confidence so as to form the basis of a conviction.
19. P.W.-4 Sushil Kumar Sahni @ Sushil Sahni did not support the prosecution case at all. He specifically deposed that he was not present at the place of occurrence and had merely heard that an altercation had taken place between Arun Kumar Sahni and Ram Pravesh Nishad @ Sonu. Thus, his evidence is purely hearsay in nature and has no substantive evidentiary value for proving the occurrence. Even after being declared hostile and subjected to cross-examination by the prosecution, nothing material could be elicited from him to support the prosecution case.
20. It is also noteworthy that despite repeated opportunities and issuance of several processes, the prosecution failed to examine the Investigating Officer and the Medical Officer. Ordinarily, the non-examination of official witnesses may not, by itself, be fatal if the substantive evidence of the eyewitnesses is otherwise cogent and reliable. However, in the present case, the material witnesses themselves have substantially departed from the prosecution version and have made admissions which completely erode the substratum of the prosecution case. In such circumstances, the examination of the Investigating Officer or the Medical Officer could not have cured the fundamental defects in the prosecution evidence. Their testimony could neither

have supplied the missing substantive evidence nor have overridden the categorical admissions made by the injured witnesses themselves. Therefore, this Court rightly considered that no useful purpose would have been served by granting further opportunity to the prosecution for examining the remaining official witnesses, as the possibility of improving the prosecution case had become wholly illusory.

21. On an overall appreciation of the entire evidence available on record, this Court finds that the prosecution has failed to establish beyond reasonable doubt that the accused persons formed an unlawful assembly with the common object alleged in the charge, that they committed the acts attributed to them in furtherance of such common object, or that they committed the offences punishable under Sections 147, 341/149, 323/149, 308/149, 354-B/149, 379/149, 447/149, 504/149 and 506/149 of the Indian Penal Code. The evidence on record is not only insufficient but is also materially inconsistent with the prosecution case. In criminal law, suspicion, however strong, can never take the place of legal proof. The prosecution having failed to discharge its burden of proving the guilt of the accused beyond reasonable doubt, the accused are entitled to the benefit of doubt.
22. Accordingly, all the seven (07) accused persons, namely, (1) Ram Pravesh Nishad @ Sonu Kumar, (2) Shree Sahni, (3) Baiju Sahni, (4) Parmanand Sahni, (5) Raja Ram Sahni, (6) Runna Devi and (7) Devaki Devi, are hereby acquitted of the charges under Sections 147, 341/149, 323/149, 308/149, 354-B/149, 379/149, 447/149, 504/149 and 506/149 of the Indian Penal Code. The accused are on bail. Their bail bonds shall remain in force for a period of six months in terms of Section 437-A of the Code of Criminal Procedure.
23. Let a copy of this judgment be sent the office of District Magistrate.

Pronounced and Signed in open Court on 30.06.2026.

**DUSHYANT KUMAR
DISTRICT & ADDITIONAL SESSIONS JUDGE - 1
ROSEERA, SAMASTIPUR**