

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 25.06.2026]

[Sessions Trial No.-215/2024, CIS No. 59 of 2024]

(Details of FIR/Crime and Police Station)

Details of FIR- Rosera P.S. Case No.-104/2021

Complainant/Informant	State of Bihar through Ram Pyare Mahto Son of Late Guru Dayal Mahto, R/o Village- Bhirha, Ward No.-10, P.S. Rosera, District- Samastipur, Informant.
REPRESENTED BY	Sri Sita Ram Yadav
ACCUSED	(1) Ram Milan Mahto alias Ram Vinay Mahto aged about 55 years Son of Rameshwar Mahto, R/o Village - Bhirha, P.S. Rosera, District- Samastipur, (2) Rameshwar Mahto aged about 70 years Son of Dodhai Mahto, R/o Village - Bhirha, P.S. Rosera, District- Samastipur, (3) Sonu Kumar aged about 25 years Son of Ram Milan Mahto alias Ram Vinay Mahto, R/o Village - Bhirha, P.S. Rosera, District- Samastipur, (4) Lakshmi Devi aged about 51 years Wife of Ram Milan Mahto alias Ram Vinay Mahto, R/o Village - Bhirha, P.S. Rosera, District- Samastipur, (5) Shivam Kumar aged about 22 years Son of Ram Milan Mahto alias Ram Vinay Mahto, R/o Village - Bhirha, P.S. Rosera, District- Samastipur and (6) Chandan Kumar aged about 29 years Son of Ram Milan Mahto alias Ram Vinay Mahto, R/o Village - Bhirha, P.S. Rosera, District- Samastipur.
REPRESENTED BY	Sri, Dipendu Kumar Ray, Advocate.

FORM B

Date of Offence	01.04.2021
Date of FIR	01.04.2021
Date of Charge-sheet	30.04.2022
Date of Framing of Charges	17.05.2024
Date of commencement of evidence	25.09.2024
Date on which judgment is reserved	25.06.2026
Date of the judgment	25.06.2026
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	Ram Milan Mahto alias Ram Vinay Mahto	N/A	23.09.2021 (On surrender)	323/34, 341/34, 337/34, 307/34 IPC	Acquitted	N/A	-
2	Rameshwar Mahto	N/A	23.09.2021	-Do-	-Do-	N/A	-

			(On surrender)				
3	Sonu Kumar	N/A	20.07.2021 (On surrender)	-Do-	-Do-	N/A	-
4	Lakshmi Devi	N/A	20.07.2021 (On surrender)	-Do-	-Do-	N/A	
5	Shivam Kumar	N/A	20.07.2021 (On surrender)	-Do-	-Do-	N/A	
6	Chandan Kumar	N/A	20.07.2021 (On surrender)	-Do-	-Do-	N/A	

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	Ram Pyare Mahto	Non official witness, (Informant of the case)
P.W.-2	Moti Ram	Non official witness,
P.W.-3	Ram Bilash Ram	Non official witness,
P.W.-4	Ram Japo Mahto	Non official witness,
P.W.-5	Ram Udgar Mahto	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

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 P-1 (PW-1)	Signature of informant on the written application

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. Six (06) accused persons, namely, (1) Ram Milan Mahto, (2) Rameshwar Mahto, (3) Sonu Kumar, (4) Lakshmi Devi, (5) Shivam Kumar, and (6) Chandan Kumar, stand charged in the present case for the commission of offences punishable under Sections 323/34, 341/34, 337/34, and 307/34 of the Indian Penal Code (IPC) and have been sent up to this Court for trial.
2. Briefly stated, the prosecution case is that the informant, Ram Pyare Mahto, submitted a written application before the S.H.O., Rosera Police Station, alleging that on 01.04.2021, at about 12:00 noon, his neighbours, namely Ram Milan Mahto, Rameshwar Mahto, Sonu Kumar, Lakshmi Devi, Shivam Kumar, and Chandan Kumar, in furtherance of their common intention and pursuant to a pre-concerted plan, started constructing a wall on the roof of their house directly opposite the informant's house. When the informant objected to the said construction, Ram Milan Mahto and Rameshwar Mahto allegedly started throwing bricks from the roof. One of the bricks struck the informant on his head, causing a lacerated injury with bleeding, while another brick hit him on his chest, as a result of which he fell to the ground. It is further alleged that thereafter the informant's family members, namely Ram Japo Mahto, Jagdish Mahto, and Ram Udgar Mahto, came to his rescue, whereupon they were also assaulted by Chandan Kumar, Sonu Kumar, Shivam Kumar, and Lakshmi Devi by pelting bricks at them. Consequently, Ram Japo Mahto sustained a bleeding injury on his head; Jagdish Mahto sustained injuries on his head and face and suffered bleeding from his mouth; and Ram Udgar Mahto sustained injuries to his leg and knee. It is alleged that all of them received serious injuries and were immediately taken to the Sub-Divisional Hospital, Rosera, for medical treatment. It is also alleged that during the occurrence, the informant's house was damaged, resulting in a loss estimated at Rs. 50,000/-.
3. On the basis of the aforesaid written application, Rosera P.S. Case No. 104 of 2021 was instituted on 01.04.2021 against the aforesaid six (06) accused persons under Sections 323, 341, 337, and 307 read with Section 34 of the IPC.
4. Investigation commenced thereafter. During the course of investigation, accused Lakshmi Devi, Chandan Kumar, Sonu Kumar and Shivam Kumar surrendered before the Court on 20.07.2021 pursuant to the order dated 07.07.2021 passed in A.B.P. No. 132C of 2021, and they were released on bail on the same day. Thereafter, accused Ram Milan Mahto and Rameshwar Mahto surrendered before the Court on 23.09.2021 pursuant to the order dated 08.09.2021 passed in A.B.P. No. 190C of 2021, and they were also released on bail on the same day.

5. Upon completion of the investigation, Charge-sheet No. 186/2022 dated 30.04.2022 was submitted against all the aforesaid six (06) accused persons under Sections 341, 323, 337, and 307 read with Section 34 of the IPC.
6. Vide order dated 07.08.2023, cognizance of the offences punishable under Sections 341, 323, 337, and 307 read with Section 34 of the IPC was taken against the aforesaid accused persons. Thereafter, vide order dated 16.03.2024, the case was committed to the Court of the Ld. District & Sessions Judge, Samastipur. On 17.05.2024, after hearing the Ld. Counsel for the accused as well as the learned A.P.P. for the State and upon perusal of the materials available on record, charges under Sections 323/34, 341/34, 337/34, and 307/34 of the IPC were framed against all the six (06) accused persons. The contents of the charges were read over and explained to the accused in Hindi, to which they pleaded not guilty and claimed to be tried. Accordingly, summons were directed to be issued to the prosecution witnesses.
7. During the course of trial, a total of five (05) out of the eight (08) witnesses cited in the charge-sheet were examined. The remaining three (03) official witnesses, including the Investigating Officer and the Medical Officer, could not be examined despite the issuance of several processes and grant of repeated opportunities to the prosecution.
8. On 25.09.2024, the informant, namely Ram Pyare Mahto, was examined as P.W.-1. In his examination-in-chief, he deposed that he had instituted the present case against Ram Milan Mahto, Lakshmi Devi, Rameshwar Mahto, Chandan Kumar, Sonu Kumar and Shivam Kumar. He further stated that about three years prior to his deposition, at about 12:00 noon, the accused persons committed the occurrence with him. At that time, he was present at his house. He further deposed that the accused persons abused him and assaulted him by pelting bricks and stones. During the course of the occurrence, he, his two sons, namely Ram Japo Mahto and Ram Udgar Mahto, and another person, namely Jagdish Mahto, sustained injuries. They were subsequently treated at the hospital. Thereafter, he went to the police station where an application was scribed on his dictation. After reading and understanding its contents, he affixed his signature thereon. Upon identification, his signature on the written application was marked as Exhibit-1. He also identified all the accused persons present in Court.
9. In his cross-examination, P.W.-1 deposed that all the accused persons are either his cousins or nephews and that the occurrence took place on account of a dispute relating to construction over their land. He further stated that both sides had instituted criminal cases against each other. He admitted that both parties had subsequently entered into a compromise and that the compromise petition bears his signature. He further deposed that he could not see who had thrown the bricks and stones causing injuries either to him or to the other injured persons. He categorically stated that the occurrence did not take

place with any intention to kill him and that it had occurred all of a sudden. He further stated that he had signed the written application at the instance of the police without understanding its contents, as no one had explained the same to him.

10. On 26.03.2025, Moti Ram was examined as P.W.-2. In his examination-in-chief, he deposed that he was not present at the place of occurrence at the relevant time and that the police had never recorded his statement during investigation. 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 prosecution case. He identified one of the accused persons, the son of Ram Vinay Mahto, present in Court and stated that he could identify the remaining accused persons upon seeing them. In his cross-examination by the defence, he stated that he had neither witnessed the occurrence nor heard about it from anyone. He further stated that he identified the accused persons only because they were his co-villagers and that he had appeared before the Court voluntarily.
11. On 16.04.2025, Ram Vilash Ram was examined as P.W.-3. In his examination-in-chief, he deposed that he had no knowledge whatsoever about the alleged occurrence and that the police had not recorded his statement during investigation. At the request of the prosecution, he was also declared hostile. In his cross-examination by the prosecution, he denied having made any statement before the police supporting the prosecution case. He further denied the suggestion that, in collusion with the accused persons, he had concealed the true facts and resiled from his earlier statement. In his cross-examination by the defence, he stated that he had neither witnessed the occurrence nor heard about it. He identified the accused persons only because they were his co-villagers. He further stated that he had appeared before the Court in compliance with the summons issued by the Court.
12. On 23.06.2026, Ram Japo Mahto was examined as P.W.-4. In his examination-in-chief, he deposed that the occurrence had taken place about five years earlier at about 12:00 noon while he was present at his house. He stated that Ram Milan Mahto, Chandan Kumar, Shivam Kumar, Rameshwar Mahto and Lakshmi Devi came to his house and assaulted them. During the occurrence, he sustained minor injuries and thereafter he, along with the other injured persons, was treated at the Sub-Divisional Hospital, Rosera. He identified all the accused persons present in Court.
13. In his cross-examination, P.W.-4 stated that there was a pending land dispute between the parties and that the altercation had taken place on account thereof, during which both sides sustained minor injuries. He further deposed that the occurrence had taken place suddenly and that no one had attempted to commit murder. He admitted that both parties had voluntarily compromised the dispute and that neither side wished to adduce any

further evidence. He further stated that he identified the accused persons as they were his agnates.

14. On the same day, i.e., 23.06.2026, Ram Udgar Mahto was examined as P.W.-5. In his examination-in-chief, he deposed that the occurrence had taken place about five years earlier at about 12:00 noon while he was present at his house. He stated that Ram Milan Mahto, Chandan Kumar, Shivam Kumar, Rameshwar Mahto and Lakshmi Devi came to his house and assaulted them, during which he sustained minor injuries. Thereafter, all the injured persons were treated at the Sub-Divisional Hospital, Rosera. He identified all the accused persons present in Court.
15. In his cross-examination, P.W.-5 stated that there was a pending land dispute between both sides and that the altercation had arisen on account thereof, during which both sides sustained minor injuries. He further deposed that the occurrence had taken place suddenly and that no one had attempted to commit murder. He admitted that both parties had voluntarily compromised the dispute and that neither side intended to adduce any further evidence. He further stated that he identified the accused persons as they were his agnates.
16. Thereafter, the case remained pending for examination of the official witnesses, namely the Investigating Officer and the Medical Officer. Despite repeated issuance of summons/processes, they failed to appear before the Court. It is pertinent to note that by order dated 12.06.2026, the prosecution had already been granted a last opportunity to produce its remaining witnesses. On 23.06.2026, Ld. Counsel for the accused submitted that no useful purpose would be served by further awaiting the examination of the official witnesses, as all the material witnesses, including the informant and the injured witnesses, had already been examined. It was further submitted that the parties had amicably compromised the dispute and the witnesses had substantially resiled from the prosecution case during their cross-examination. Considering that the evidence of the official witnesses would only be formal in nature and could not cure the inherent deficiencies in the testimony of the material witnesses, this Court found that no fruitful purpose would be served by granting further adjournments. Accordingly, the prosecution evidence was closed.
17. Thereafter, the statements of all six accused persons, who were present in Court, were recorded under Section 313 Cr.P.C., wherein they denied the incriminating circumstances appearing against them and claimed to be innocent. Ld. Defence Counsel declined to adduce any evidence in defence, whereafter the matter was fixed for final arguments.
18. During the course of arguments, Ld. A.P.P. submitted that the informant and the injured witnesses had supported the prosecution case in their examination-in-chief and, therefore, the prosecution had proved the charges against the accused beyond reasonable doubt. Per

contra, Ld. Counsel for the defence contended that the prosecution had failed to establish its case. It was argued that two prosecution witnesses had been declared hostile, while the remaining material witnesses had materially contradicted their examination-in-chief during cross-examination. It was further submitted that the witnesses admitted that the dispute had been compromised and categorically denied any intention on the part of the accused to commit murder. Hence, it was prayed that the accused be acquitted.

19. Heard Ld. Counsel for the parties and perused the record. The point for determination is whether the prosecution has proved beyond reasonable doubt that the accused persons committed offences punishable under Sections 323/34, 341/34, 337/34 and 307/34 of the Indian Penal Code.
20. To substantiate its case, the prosecution examined five witnesses. P.W.-1, the informant, initially supported the prosecution version in his examination-in-chief. However, during cross-examination, he stated that the parties had compromised the matter. He further deposed that he could not identify the person who threw bricks or stones, that the occurrence took place suddenly without any intention to commit murder, and that he had signed the written report on the instructions of the police without understanding its contents. These admissions materially undermine his earlier testimony and render his evidence unreliable for sustaining a conviction.
21. P.W.-4 and P.W.-5, the injured witnesses, also stated in their examination-in-chief that an altercation had taken place. However, during cross-examination, they admitted that there was an ongoing land dispute between the parties and that only a minor scuffle had occurred, resulting in simple injuries. Both witnesses categorically deposed that none of the accused had assaulted them with any intention to kill them. They further admitted that the dispute had subsequently been compromised. Significantly, although they alleged the presence of the accused at the place of occurrence, they failed to attribute any specific overt act to any particular accused. Their testimony, read as a whole, is inconsistent with the allegations contained in the F.I.R. and suffers from material contradictions between the examination-in-chief and the cross-examination. Consequently, their evidence does not inspire confidence.
22. The remaining prosecution witnesses were declared hostile, and nothing material could be elicited from them during their cross-examination by the prosecution.
23. In these circumstances, the examination of the Investigating Officer and the Medical Officer would have been of a formal nature. It is well settled that the testimony of formal witnesses cannot fill the lacuna arising from the failure of the material witnesses to support the prosecution case or to prove the essential ingredients of the offences charged. Since the informant and the injured witnesses themselves failed to establish the prosecution case and admitted facts inconsistent with the prosecution version, no

prejudice was caused to the prosecution by closure of its evidence after affording sufficient opportunities. Upon an overall appreciation of the evidence on record, this Court finds that the prosecution has failed to prove the charges against the accused beyond reasonable doubt. The evidence of the material witnesses is inconsistent, contradictory and insufficient to establish either the participation of the accused or the requisite intention for the offences alleged. The prosecution has, therefore, failed to discharge the burden cast upon it in a criminal trial.

24. Accordingly, all the six accused persons, namely (1) Ram Milan Mahto, (2) Rameshwar Mahto, (3) Sonu Kumar, (4) Lakshmi Devi, (5) Shivam Kumar and (6) Chandan Kumar, are acquitted of the charges under Sections 323/34, 341/34, 337/34 and 307/34 of the Indian Penal Code by extending to them the benefit of doubt. The bail bonds of the accused persons shall remain in force for a period of six months in terms of Section 437-A of the Code of Criminal Procedure. Let a copy of this judgment be furnished to the District Magistrate as required under law.

Pronounced and Signed in open Court on 25.06.2026.

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