

FORM – A

IN THE COURT OF SDJM, SHAHPUR PATORI

Present – Shri Rohit, SDJM, Shahpur Patori

[Date of Judgement – 15th July, 2026]

State of Bihar vs. Bucchi Rai and ors.

Mohiuddin Nagar PS Case No. – 06/2014

G.R. No. – 63/2014

Trial No. – 662/2026

INFORMANT	State of Bihar through Shambhu Rai, S/O Bhola Rai, R/O Madudabad, PS- Mohiuddin Nagar, Dist-Samastipur, Bihar.
REPRESENTED BY	Shri Sushmit Kumar (Ld. APO)
ACCUSED	A1 Bucchi Rai @ Chandrakesh Rai, aged about 40 years, S/O Harendra Rai, A2 Harendra Rai, aged about 70 years, S/O Ram Pragdas Rai, A3 Gayatri Devi, aged about 55 years, W/O Harendra Rai All R/O Madudabad, PS-Mohiuddin Nagar, Dist-Samastipur, Bihar-848502.
REPRESENTED BY	Shri Ganesh Mishra (Ld. Adv)



[15th July, 2026]

FORM – B

Date of offence	05-01-2014
Date of F.I.R.	05-01-2014
Date of submitting chargesheet	17-06-2014
Date of explaining substance of accusation	05-06-2015
Date of commencement of evidence	02-07-2015
Date on which judgement reserved	NIL
Date of Judgement	15-07-2026
Date of sentencing order, if any	NIL

ACCUSED DETAILS

Rank of accused	Name of accused	Date of arrest/custody	Date of release on bail	Offences charged with	Acquitted or convicted	Sentence imposed	Period of detention for purpose of sec 428 crpc
A1	Bucchi Rai @ Chandrakesh Rai	Surrendered on 05-06-15	05-06-15	323, 341, 504 34 IPC	Acquitted	Nil	Nil
A2	Harendra Rai	Surrendered on 05-06-15	05-06-15	323, 341, 504 34 IPC	Acquitted	Nil	Nil
A3	Gayatri Devi	Surrendered on 05-06-15	05-06-15	323, 341, 504 34 IPC	Acquitted	Nil	Nil



FORM C

List Of Prosecution/Defence/Court Witnesses

A. Prosecution witnesses, if any

Rank	Name	NATURE OF WITNESS (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
PW01	Md. Bahav	Hostile Witness
PW02	Ramu Rai	Hostile Witness
PW03	Bablu Chaudhary	Hostile Witness
PW04	Ram Babu Rai	Eye-witness
PW05	Ram Vilas Rai	Eye-witness
PW06	Shambhu Rai	Informant

B. Defence witnesses, if any

The defence did not produce any witness.

C. Court witnesses, if any

No court witness produced.

List Of Prosecution/Defence/Court Exhibits

A. Prosecution

Sl. No.	Exhibit No.	Description
1.	Exhibit-1	Signature of the informant on fardbayan which was identified by him (PW06)

B. Defence

No defence exhibit produced.

C. Court exhibit

No court exhibit produced.

D. Material Object

No material object produced.



JUDGEMENT

1. The three accused person stands charged for the offence punishable u/s 323, 341, 504|34 IPC of the Indian Penal Code, 1860 (hereinafter referred to as IPC). The occurrence is alleged to have taken place on 05-01-2014 at around 08:00 AM near informant's land situated in Madudabad, PS-Mohiuddin Nagar, Dist-Samastipur, which is within the jurisdiction of this court.

PROSECUTION'S CASE

2. The prosecution case as stated in the fardbayan is that on 05-01-2014 at around 08:00 AM, A1, A2 and A3 were pulling out the peg from the informant's land. When informant objected to this, then they started abusing and beating the informant. A1 hit the informant with iron pry bar on his head. When informant's uncle Ram Vilas Rai came to save him, the accused persons beat him also and injured him.

PROCEDURAL HISTORY

3. On the basis of the written report of the informant, a case was registered as Mohiuddin Nagar PS Case No. 06/2014 u/s 323, 324, 341|34 IPC. After investigation, chargesheet was submitted by the IO u/s 323, 341, 504|34 IPC against accused A1, A2 & A3. Cognizance was taken on 23-01-2015 u/s 323, 341, 504|34 IPC. Substance of accusation u/s 323, 341, 504|34 IPC was explained to the accused persons on 05-06-2015 to which they pleaded not guilty and claimed to be tried according to law. Thereafter the record was fixed for evidence. Prosecution evidence was closed on 29-01-2024. Statement of the accused u/s 313 CrPC was recorded on 17-02-2024 in which the accused



persons claimed to be innocent and denied all the allegations levelled against them. Defence evidence was closed on 17-02-2024 on request of the Ld. Defence Counsel. After arguments from both sides were concluded, the record was fixed for judgement.

4. The defence is general denial of the prosecution's case and all the accused persons have claimed innocence.

POINTS FOR DETERMINATION

5. The point which is to be determined is whether the prosecution has succeeded in proving its case beyond reasonable doubt.

DISCUSSION & APPRECIATION OF EVIDENCE

6. After explaining the substance of accusation, the case was fixed for evidence and six prosecution witnesses were examined namely PW01- Md. Bahav, PW02- Ramu Rai, PW03- Bablu Chaudhary, PW04- Ram Babu Rai, PW05- Ram Vilas Rai and PW06- Shambhu Rai. No witness was examined on behalf of defence. PW06 identified his signature on the fardbayan which was marked as Exhibit-1. No documentary evidence was adduced by the defence.
7. PW01, PW02 and PW03 turned hostile and did not support the prosecution's case.
8. PW04 in his chief examination stated that the incident occurred three years ago at 08 AM near the *batha*. He saw that A2 and Shambhu Rai were abusing each other for putting peg in the land. A1 tried to hit Shambhu Rai with *khanti*. A2 and A3 beat



Shambhu Rai with stick due to which Shambhu Rai was hospitalized.

In his cross examination in para 2 he stated that A2 and informant are *gotiyas*. A2 has filed a case in which he is also one of the accused. In para 5 he first stated that the fight happened for half an hour and then he said that the fight went on for 10-15 minutes. In para 6 he also stated that the blood also fell on the ground.

9. PW05 in his chief examination that the incident occurred three years ago at 08 AM. He was at his home. A1, A2 & A3 were beating the informant. He went to save the informant then A2 attacked him with *khanti*. Informant's head was bleeding. He himself got injured on his leg.

In his cross examination in para 2 he stated that he does not remember the date or month of the incident. The fight went on for 15-20 minutes. In para 3 he stated that the reason of the fight was capturing the government land. In para 4 he stated that A2 and informant are *fariq*. He cannot tell the count of sticks and slaps. Informant got seven stiches. A2 has also filed a case against him and the informant for theft of weighing scale.

10. PW06 is the informant. In his chief examination he stated that the incident occurred on 05-01-2024 at 08 AM near his *bathaan*. A1, A2 and A3 started pulling out the peg from his land and when he tried to stop them, they beat him with *khanti*. His uncle came to save him but they beat him also. He identified his signature on the FIR which was marked as exhibit-1.



In his cross examination in para 2 he stated that A2 has also filed a case against him. In para 3 he stated that the reason of dispute is government land. In para 4 he stated that the fight went on for 15-20 minutes. In para 5 he stated that he was alone at the time of the incident and his brothers and uncle came after five minutes. In para 6 he stated that he fainted during the fight and regained consciousness after 1-1.5 hours. In para 7 he stated that after regaining consciousness, he gave application in the police station which was written by his brother Lal Babu.

11. The Ld. Counsel for the defence in his argument stated that out of the six witnesses adduced by the prosecution, three of them did not support the prosecution's case and were declared hostile. Medical Officer and Investigating Officer were not adduced as witness. Nothing is available on record against the three accused persons. Thus, the prosecution has failed to prove its case beyond reasonable doubt and hence A1, A2 & A3 should be acquitted of all the charges levelled against them.

12. Ld. APO in his argument stated that though three witness turned hostile, yet the remaining three witnesses have totally supported the prosecution's case and therefore, A1, A2 & A3 should be convicted of all the charges levelled against them.



FINDINGS

13. On sec 323 IPC

It was alleged that the accused persons beat the informant and his uncle Ram Vilas Rai on 05-01-2014 at around 08 AM.

PW06 (informant) in his deposition has stated that A1, A2 and A3 beat him with *khanti* and when his uncle came to save him, they beat him also. He did not state the name of the uncle. This fight went on for 15-20 minutes and all the accused were beating simultaneously. He fainted during the fight and regained consciousness after 1-1.5 hours.

PW05 is alleged to have been beaten by the accused persons. In his deposition, he stated that A1, A2 and A3 were beating the informant. He went to save him then A2 tried to hit him with *khanti* and his leg was injured. informant got injured on his head. informant in his deposition has not stated anything regarding his head being injured or his uncle's leg being injured in the fight. PW05 also stated that informant got seven stiches. This fact was neither stated by the informant or PW04.

PW04 has stated that A1 drew *khanti* over the informant and A2 & A3 beat informant with sticks. This has not been stated by PW05 or PW06. PW04 also stated that the informant went to hospital and that blood also spilled on the ground. Again, these things has not been stated either by PW05 or PW06.

Thus, after considering the depositions of the three witnesses, it is clear that the informant has failed to prove the charges u/s 323|34 IPC beyond reasonable doubt.

14. On sec 341 IPC

It was alleged that the accused persons wrongfully restrained the informant.

PW04, PW05 and PW06 did not depose regarding the accused persons having voluntarily obstructed the informant from proceeding in any direction and thereby causing wrongful



restraint to him. There is no evidence on record to show any sort of restraint being exercised by any of the accused against the informant. Considering the above facts, it is certain that the prosecution has failed to prove the charges u/s 341|34 IPC beyond reasonable doubt.

15. On sec 504 IPC

None of the three witnesses deposed regarding any specific abuses, insults or provocative words given by any of the accused to the informant. Nothing is available on record to show that the accused persons intentionally insulted the informant which led to provocation for breaking the public peace by the informant. Considering the above facts, it is certain that the prosecution has failed to prove the charges u/s 504|34 IPC beyond reasonable doubt.

16. Considering the above facts & circumstances and after appreciation of evidences available on record, this court comes to the conclusion that the prosecution has failed to prove the accused person guilty u/s 323, 341, 504|34 IPC beyond reasonable doubts.

It is therefore,

ORDERED

17. That the accused persons namely -

A1 Bucchi Rai @ Chandrakesh Rai, aged about 40 years, S/O

Harendra Rai,

A2 Harendra Rai, aged about 70 years, S/O Ram Pragas Rai,

A3 Gayatri Devi, aged about 55 years, W/O Harendra Rai



All R/O Madudabad, PS-Mohiuddin Nagar, Dist-Samastipur,
Bihar-848502, are held not guilty of offence punishable u/s 323,
341, 504 | 34 IPC and accordingly, they are acquitted.

The bailors/sureties stand discharged from the liabilities of their
respective bail bonds. The accused persons are set at liberty.

18. Office Clerk is directed to recall the process issued by the court
(if any) and deposit the record in the record room within
stipulated period. Accordingly, the case stands disposed of.

19. Pending application (if any) stands disposed in the light of this
judgement.

20. O/C is directed to upload the judgment and update the CIS
accordingly.

The court pronounced the judgement in open court under my hand and
seal of this court on 15th July, 2026.

Typed & corrected by me Pronounced by me in open court




(ROHIT)

SDJM, Shahpur Patori
Date - 15-07-2026


(ROHIT)

SDJM, Shahpur Patori
Date - 15-07-2026



Date of Judgement	15-07-2026
Date of Reserving Judgement	Nil
Uploading date	
Uploaded by	