

In the Court of Deepak Kumar, Principal Sessions Judge, Sheohar
Sessions Trial No. -09/2019
(Shyampur Bhataha PS Case No.- 45/2017)
CNR No. -BRSO0-000064-2019

State Vrs. Manoj Kumar Singh & Others

FORM-A

In the Court of Principal Sessions Judge, Sheohar Present:- Sri Deepak Kumar, Principal Sessions Judge, Sheohar, <u>S.Tr. No.-09/2019</u> (<u>Shyampur Bhataha PS Case No.-45/2017</u>) <u>GR No.271/2010</u> <u>CNR No. -BRSO01-000064-2019</u> State Vrs. Manoj Kumar Singh & Others Offence:- U/s- 307/34,323/34, 34134,447/34,504/34 of I.P.C (Date of Judgment:- 18.05.2026)	
COMPLAINANT/INFORMANT	Neelmani, S/o Arun Kumar Singh, resident of Village Lalgarh Yogiya, Police Station Shyampur Bhatha, District Sheohar
ACCUSED	1. Manoj Kumar Singh, S/o Satyendra Singh, 2. Jitendra Kumar Singh, S/o Late Chuman Singh 3. Jitesh Kumar, S/o Jitendra Singh, All residents of Village-Lalgarh Yogiya, Police Station -Shyampur Bhatha, District-Sheohar
REPRESENTED BY COMPLAINANT/INFORMANT	Sri Suresh Roy, Ld. Public Prosecutor
REPRESENTED BY ACCUSED PERSON	Sri Amlesh Kumar, Ld. Advocate,

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FORM-B

Date of Offence	29-05-2017
Date of F. I. R.	30-05-2017
Date of Charge sheet	C.S.- 35/2018, Dated- 30-04-2018
Date of Cognizance	22-06-2018
Date of Framing Charges	08-02-2019
Date of Commencement of Evidence	01-04-2019
Date on which judgment is reserved	16-05-2026
Date of judgment	18-05-2026
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	Offence Charged with	Whether Acquitted or convicted	Sentence imposed	Period of Detention during Trial for purpose of section 428 of Cr.P.C.
01.	Manoj Kumar Singh	23-08-2017	23-08-2017	U/s- 307/34, 323/34,	Acquitted		
02.	Jitendra Kumar Singh	23-08-2017	23-08-2017	341/34, 447/34,			

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03.	Jitesh Kumar	23-08-2017	23-08-2017	504/34 of IPC.			
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FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS-

A. PROSECUTION :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
01.	Arun Kumar Singh	P.W. No. 01
02.	Lalan Kumar Singh	P.W. No. 02 (Hostile Witness)
03.	Sudhir Kumar Singh	P.W. No. 03 (Hostile Witness)
04.	Nilam Singh	P.W. No. 04 (Hostile Witness)
05.	Parvati Devi	P.W. No. 05 (Hostile Witness)
06.	Prashant Nagmani	P.W. No. 06 (Hostile Witness)
07.	Neelmani	P.W. No. 07 (Informant, Hostile Witness)
08.	Ravindra Kumar	P.W. No. 08 (Investigating Officer)

B. DEFENCE WITNESS, if any ; -

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-	-	-

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C. COURT WITNESS, if any ; -NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-	-	-

LIST OF PROSECUTION/DEFENCE/COURTS EXHIBITS

A. PROSECUTION;-

Sr. No.	EXHIBIT NUMBER	DESCRIPTION

B. DEFENCE ;

Sl. No.	EXHIBIT NUMBER	DESCRIPTION

C. COURT EXHIBITS ; NIL

Sl. No.	EXHIBIT NUMBER	DESCRIPTION
-	-	-

D. MATERIAL OBJECTS ;

Sl. No.	MATERIAL OBJECT NUMBER	DESCRIPTION
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Present: Deepak Kumar
Principal Sessions Judge,
Sheohar

Sheohar Dated- 18th May, 2026.

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Charge framed under Section-
307/34, 323/34, 341/34, 447/34,
504/34 of Indian Penal Code

Learned Lawyer for the State:- Sri Suresh Roy, Ld. P.P.

Learned Lawyer for the defence:- Sri Amlesh kumar

JUDGMENT

01. In the present sessions trial, a total of three accused persons
1. Manoj Kumar Singh 2. Jitendra Kumar Singh, and 3. Jitesh Kumar,
have been tried for punishable offences under Sections 307/34,
323/34, 341/34, 447/34, and 504/34 of the Indian Penal Code.

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02. According to the prosecution case, based on the fardbeyan (informant's statement) forming the basis of the FIR, the case in brief is as follows:

The informant, Neelmani, aged about 40 years, S/o Arun Kumar Singh, resident of Lalgarh Yogiya, Police Station- Shyampur Bhatahan, District- Sheohar, stated before the police officer of Sheohar Police Station in the General Ward of Sadar Hospital, Sheohar that on 29.05.2017 at about 3:00 PM, he left his residence at Sitamarhi along with his brother, Prashant Nagmani, in his car for going to his native village Lalgarh. They reached the village at about 5:45 PM. At about 6:15 PM, while both brothers were sitting at the entrance of their house, the drain water and toilet waste from the latrine of his neighboring residents Jitendra Singh, son of Late Chuman Singh, and his brother Satyendra Singh, started flowing in front of the informant's door. On seeing this, the informant questioned Manoj Singh, son of Satyendra Singh, as to why the toilet waste and water were being discharged onto his land. Manoj Kumar Singh Jitendra Singh, and Jitesh Kumar came to the door abusing and hurling filthy language while carrying wooden sticks in their hands.

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They allegedly started assaulting the informant and his brother Prashant Nagmani indiscriminately with the butts of the sticks, as a result of which the head of his brother started. Thereafter, both brothers raised alarm and attempted to flee from the doorway to save their lives. In the meantime, Manoj Singh chased the informant and struck him on his left arm with the butt of the stick, causing swelling and pain.

03. On the basis of the aforesaid written report/application, Shyampur Bhataha P.S. Case No. 45 of 2017 dated 30.05.2017 was instituted under Sections 341, 323, 447, 504 and 506/34 of the Indian Penal Code, and investigation was taken up. After completion of investigation, the Investigating Officer, having found the allegations levelled against the three named accused persons, namely, (1) Manoj Kumar Singh, (2) Jitendra Kumar Singh and (3) Jitesh Kumar, to be true, submitted Charge-sheet No. 35 of 2018 dated 30.04.2018 against the aforesaid accused persons under Sections 341, 323, 307, 447 and 504/34 of the Indian Penal Code before the Court. Thereafter, the learned Additional Chief Judicial Magistrate, Sheohar, upon perusal of the First Information Report, charge-sheet and the case diary, took

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cognizance of the offences under Sections 341, 323, 307, 447 and 504/34 of the Indian Penal Code against the aforesaid three accused persons, namely, Manoj Kumar Singh, Jitendra Kumar Singh and Jitesh Kumar, on 22.06.2018, and by order dated 07.12.2018 directed that the record be committed to the Court of Sessions. Accordingly, the record was transmitted to the Court of the learned District & Sessions Judge on 11.01.2019, whereafter the learned District & Sessions Judge, Sheohar, framed charges on 08.02.2019 against the aforesaid accused persons, namely, (1) Manoj Kumar Singh, (2) Jitendra Kumar Singh and (3) Jitesh Kumar, under Sections 307/34, 323/34, 341/34, 447/34 and 504/34 of the Indian Penal Code.

04. In the present case, charges under Sections 307/34, 323/34, 341/34, 447/34 and 504/34 of the Indian Penal Code were framed against Manoj Kumar Singh, Jitendra Kumar Singh and Jitesh Kumar, on 08.02.2019. The contents of the charges were read over and explained to them in Hindi, to which they pleaded not guilty and claimed to be tried.

05. The statements of the aforesaid accused persons, namely, (1) Manoj Kumar Singh, (2) Jitendra Kumar Singh and (3) Jitesh Kumar,

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were recorded under Section 313 of the Code of Criminal Procedure on 26.02.2026. In their statements, all the accused persons denied the occurrence and claimed themselves to be innocent.

06. The principal point for determination before this Court is as to whether the prosecution has been able to prove all the charges levelled against the aforesaid accused persons beyond all reasonable doubt by adducing cogent, reliable and convincing evidence or not.

07. In support of its case, the prosecution has examined altogether eight witnesses as mentioned in Column No. 13 of the charge-sheet. The witnesses examined on behalf of the prosecution are as follows: P.W.-1 Arun Kumar Singh, P.W.-2 Lalan Kumar Singh (declared hostile), P.W.-3 Sudhir Kumar Singh (declared hostile), P.W.-4 Nirmal Singh (declared hostile), P.W.-5 Parvati Devi (declared hostile), P.W.-6 Prashant Nagmani (declared hostile), P.W.-7 Neelmani (informant and declared hostile), and P.W.-8 Ravindra Kumar (Investigating Officer).

08. The following documents were adduced and marked as exhibits on behalf of the prosecution as documentary evidence, which are as follows:—

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A. PROSECUTION

Sr. No.	EXHIBIT NUMBER	DESCRIPTION
1.	Exhibit-1	Signature of the informant witness on the fardbeyan dated 29.05.2017.
2.	Exhibit-1/1	Endorsement made on the fardbeyan by the then Officer-in-Charge, Devanand Kumar.
3.	Exhibit-2	Formal First Information Report.
4.	Exhibit-3	Charge-sheet.

No documentary exhibit was adduced or marked on behalf of the defence.

09. In the present case, out of the total eight witnesses examined by the prosecution before this Court, two witnesses, namely P.W. 1, Arun Kumar Singh, and P.W. 8, Ravindra Kumar (the Investigating Officer), have supported the prosecution case. Besides them, the informant along with the remaining six witnesses have been declared hostile by the prosecution. Out of these hostile witnesses, except P.W. 7, Neelmani, who is the informant of the present case, all the remaining five hostile witnesses have, in their respective depositions, substantially stated in one voice that “they do not know anything

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about the occurrence and that the police officer had not recorded their statements.” Therefore, in view of the aforesaid circumstances, no useful purpose would be served by making a detailed discussion of the evidence of these hostile witnesses.

10. P.W. 1, Arun Kumar Singh, in his examination-in-chief, stated on solemn affirmation that the occurrence took place on 29.05.2017 at about 6:15 P.M. He stated that he was present at the entrance of his house. About half an hour to forty-five minutes earlier, his two sons, namely Neelmani and Prashant Nagmani, had come to their home at Lalgarh Yogiya from Sitamarhi. He further stated that dirty and foul-smelling water from the tank of Satyendra Kumar Singh was flowing in front of his house, causing great inconvenience and stench. On account of the foul smell, his two sons asked him as to why he did not object to Satyendra Singh allowing such dirty water to flow. He further deposed that he told them that he had already become tired of repeatedly asking Satyendra Singh not to do so. Thereafter, when his two sons questioned Satyendra Singh on the same issue. Thereafter Manoj Kumar Singh @ Neeraj Kumar, Jitendra Kumar Singh and Jitesh Kumar Singh arrived at his door armed with sticks and started

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hurling filthy abuses. When objection was raised the accused persons started assaulting his sons Prashant and Neelmani with wooden planks, as a result of which the head of his younger son Prashant Nagmani was injured at two or three places and his ear was also injured. He further stated that Neelmani was assaulted on his arm causing swelling. Both his son fell on the ground and became unconscious. On hearing the commotion, he rushed to the place of occurrence and raised alarm, whereupon villagers and women of the locality also gathered there. Both of them were taken to Sadar Hospital, Sheohar, where primary treatment was provided. Thereafter, Dr. Sanjay Kumar referred them to S.K.M.C.H., Muzaffarpur. Subsequently, they were referred to Patna for C.T. Scan, where Dr. Ranjan Chaudhary conducted the scan and found abnormal injuries and fractures. After the C.T. Scan, the injured again returned to S.K.M.C.H., Muzaffarpur for treatment and thereafter came back to Sitamarhi. He stated that treatment at S.K.M.C.H. continued for about fifteen days and thereafter medicines continued to be administered at Sitamarhi. He identified accused Jitendra Kumar Singh present in

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Court and also stated that he could identify the absent accused persons.

In his cross-examination, this witness stated that he was previously a teacher and had retired as In-charge Principal from Nawab High School. He had two sons, the elder one being Neelmani, who was a doctor and used to practice at Sitamarhi. However, he expressed ignorance regarding the degree obtained by his son, the University from which he studied medicine, the city where he pursued his studies, the duration of his medical education, and even the medical specialization of his son. He further stated that he had never enquired from his son about the nature of his medical qualifications or specialization. He also stated that all expenses relating to the studies of his sons were borne by his wife and not by him. The witness further admitted that there existed previous litigation between his family and the family of the accused persons, including proceedings under Sections 107, 144 and 145 Cr.P.C. He also admitted that he had previously instituted criminal cases against accused Jitendra Singh and others. However, he denied the suggestion that he had illegally constructed a house on the road and that the accused persons had filed

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complaints before the District Magistrate and Lok Shikayat Authority seeking demolition of the same. He further stated that Manoj Kumar Singh was also known as Neeraj Kumar Singh. He admitted that in connection with the same occurrence, Manoj Kumar Singh @ Neeraj Kumar Singh had also instituted Sheohar P.S. Case No. 44/2017 against his two sons.

11. P.W. 7, Neelmani, who is the informant of the present case and who was declared hostile by the prosecution, stated in his examination-in-chief on solemn affirmation that he identified his signature on the fardbeyan. He further stated that since the assailants had covered their faces with cloth, he could not identify them. He also stated that the Investigating Officer had not recorded his statement afresh thereafter.

In his cross-examination conducted by the defence, the witness stated that he could not identify any of the accused persons. He further stated that he had no grievance against the accused persons and that, being co-sharers (Pattidars), he knew them from before. He also stated that after the police had interrogated him in the hospital, no further interrogation was made by the Investigating Officer. He admitted that

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the accused persons had also instituted a criminal case against him and others and that the said case is still pending before this Court. He further stated that in the present case as well as in the counter-case, compromise and settlement had already been arrived at between the parties and, therefore, he did not wish to pursue the case further.

12. P.W. 8, Ravindra Kumar, who is the Investigating Officer of the present case, stated in his examination-in-chief on solemn affirmation that on 30.05.2017 he was posted as Assistant Sub-Inspector at Shyampur Bhatahan Police Station. He stated that the formal First Information Report of Shyampur Bhatahan P.S. Case No. 45/2017 was in the handwriting and signature of the then Officer-in-Charge, Dev Anand Kumar, which he identified. The formal F.I.R. dated 30.05.2017 was marked as Exhibit-2 on behalf of the prosecution. He further stated that the endorsement made on the fardbeyan of the informant Neelmani was also in the handwriting and signature of the then Officer-in-Charge, Dev Anand Kumar, which he identified, and the said endorsement was marked as Exhibit-1/1. He further identified the charge-sheet prepared by Assistant Sub-Inspector Lalan Kumar, which was marked as Exhibit-3. The witness further

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stated that on 30.05.2017 he took up investigation of the case and entered the fardbeyan of the informant in the case diary. He recorded the statement of witness Parwati Devi and entered the same in the case diary. He inspected the place of occurrence, which was situated about 5 kilometres south-west of Shyampur Bhatahan Police Station in village Lalgarrh Yogiya. He stated that mango and jackfruit trees and plants were situated adjoining the informant's door and that the alleged assault and exchange of abuses were stated to have taken place there. He further described the boundaries of the place of occurrence as follows: towards the east there was the orchard of Satyendra Singh containing Semar, mango and jackfruit trees; towards the west was the entrance gate of the house of Ravi Singh; towards the north was a P.C.C. rural road; and towards the south were the houses of the informant and the accused persons. He further stated that he recorded the statements of witnesses Neel Singh, Arun Kumar Singh and independent witness Sudhir Kumar Singh and entered the same in the case diary. He also received the supplementary injury reports of injured Prashant Nagmani and injured Neelmani and entered the same in the case diary. Thereafter, he re-recorded the statement of informant

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Neelmani and entered the same in the case diary. Subsequently, on 27.06.2017, investigation of the case was handed over to the then Officer-in-Charge, Dev Anand Kumar.

In his cross-examination, this witness stated that he had taken charge of the investigation on 30.05.2017 at about 4:30 P.M. He admitted that no toilet water was found flowing at the place of occurrence and no septic tank was found there. He further admitted that no blood was found lying at the place of occurrence. He also admitted that he had not prepared any sketch map of the place of occurrence and had not recorded the statements of neighbouring persons residing adjacent to the place of occurrence. He further admitted that he had not conducted any investigation regarding the land dispute existing between the parties. However, he denied the suggestion that his investigation was defective.

13. During the course of arguments, the learned counsel for the defence submitted that out of the total eight witnesses examined by the prosecution before this Court, except P.W. 1 and P.W. 8 Ravindra Kumar, all the remaining six witnesses, including P.W. 7, the

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informant himself, had been declared hostile by the prosecution and none of them had supported the prosecution case.

It was further argued that both parties are co-sharers (Pattidars) and there existed prior land disputes between them. It was also submitted that compromise and settlement had already taken place between the parties not only in the present case but also in the counter-case instituted by the opposite side. Therefore, according to the defence, the prosecution had utterly failed to prove the allegations levelled against the aforesaid three accused persons and, accordingly, they were entitled to the benefit of doubt and deserved to be acquitted from the present case.

14. On the other hand, the learned Public Prosecutor appearing on behalf of the prosecution also submitted that both parties are co-sharers and that there existed prior land disputes between them. However, present of accused persons on spot, fighting with the informant due to which he and his brother sustained injury is not disputed by father of informat.

15. After hearing the arguments advanced on behalf of both parties and upon perusal of the materials available on record, the evidence

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adduced, and the testimonies of the witnesses examined by the prosecution, it appears that in the present case the prosecution examined a total of eight witnesses before the Court. Out of them, except P.W. 1, Arun Kumar Singh, and P.W. 8, the Investigating Officer of the present case, the informant himself, namely P.W. 7, along with the remaining five witnesses, were declared hostile by the prosecution. None of these hostile witnesses supported the prosecution case. Therefore, this Court finds that no useful purpose would be served by making a detailed judicial discussion of the evidence of these hostile witnesses.

P.W. 1, Arun Kumar Singh, who is the father of the informant as well as of the injured persons, appears to have made materially contradictory statements in his examination-in-chief and cross-examination. In his examination-in-chief, while supporting the prosecution case, he stated that dirty water from the toilet was flowing and that when his sons objected to the accused persons regarding the same, they were assaulted by the accused persons. However, in his cross-examination, he departed from the statement allegedly given

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before the Investigating Officer and admitted that prior land disputes existed between the parties.

P.W. 7, Neelmani, the informant of the present case, who was also declared hostile by the prosecution, though identified his writing and signature on the fardbeyan and proved the same as Exhibit-1, also stated that the Investigating Officer had not re-recorded his statement thereafter. However, in his cross-examination by the defence, he stated that he could not identify any of the accused persons as the perpetrators of the occurrence, he had no grievance against the accused persons, he knew them as co-sharers and villagers, the accused persons had also instituted a case against him and others; and that compromise had already taken place not only in the present case but also in the counter-case, due to which he did not wish to pursue the matter further.

Thus, this informant witness also did not support the prosecution case regarding the occurrence.

P.W. 8, Ravindra Kumar, the Investigating Officer of the present case, in his testimony mainly identified the signatures of the then Officer-in-Charge on the formal First Information Report and

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proved the same as Exhibit-2, identified the endorsement on the fardbeyan as Exhibit-1/1, and identified the charge-sheet prepared by Assistant Sub-Inspector Lalan Kumar as Exhibit-3. He further deposed regarding the boundaries of the place of occurrence, the re-recording of the informant's statement, and the recording of statements of witnesses during investigation.

However, in his cross-examination, he admitted that no dirty toilet water was found flowing at the place of occurrence, no septic tank was found there, no blood was found at the place of occurrence, that no sketch map of the place of occurrence had been prepared, that statements of neighbouring persons had not been recorded, and no investigation had been conducted regarding the land dispute between the parties.

Thus, even from the testimony of this Investigating Officer, no material fact emerges so as to establish the involvement of the three accused persons in the alleged occurrence or to prove that the occurrence was committed by them.

Thus, in view of the aforesaid facts, circumstances, discussed evidence, nature of the case, and upon careful scrutiny and

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appreciation of the evidence available on record, this Court arrives at the conclusion that no clear and cogent material has come on record to establish that the three accused persons, namely, (1) Manoj Kumar Singh, (2) Jitendra Kumar Singh, and (3) Jitesh Kumar, had committed the alleged occurrence. It has also not been proved that the said accused persons committed any offence.

16. The prosecution has failed to prove the charges levelled against the aforesaid three accused persons beyond all reasonable doubts. In such circumstances, the accused persons are entitled to acquittal for want of reliable evidence. Accordingly, the following order is passed-

ORDER

17. Accordingly, the aforesaid named accused persons, namely, (1) Manoj Kumar Singh, (2) Jitendra Kumar Singh, and (3) Jitesh Kumar, are hereby held not guilty and are acquitted by this Court of the charges under Sections 307/34, 323/34, 341/34, 447/34 and 504/34 of the Indian Penal Code, for want of sufficient prosecution evidence.

The accused persons as well as their bailors are discharged from the liabilities of their respective bail bonds.

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The judgment having been dictated, corrected and signed by me
and is pronounced in the open Court today on 18.05.2026.

Dictated and corrected by me.

Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar
Dated: 18.05.2026

Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar
Dated: 18.05.2026

Date of Judgment	18.05.2026
Date of Reserving Judgment	16.05.2026
Uploading Date	18.05.2026
Uploaded By	Sanjeev Kumar, (Steno)