

In the Court of Deepak Kumar, Principal Sessions Judge, Sheohar**Sessions Trial No. -09/2017****(Tariyani PS Case No.-179/2015)****CNR No. -BRS001-000139-2017****State Vrs. Awadhesh Rai**

FORM-A

In the Court of Principal Sessions Judge, Sheohar Present:- Sri Deepak Kumar, Principal Sessions Judge, Sheohar, <u>STr No.-09/2017</u> <u>(Tariyani PS Case No.-179/2015)</u> <u>GR No.-746/2015</u> <u>CNR No. -BRS001-000139-2017</u> Offence:- U/s-307/34, 323/34, 341/34, 354/34, 504/34 of I.P.C. (Date of Judgment:-10-04-2026)	
COMPLAINANT/INFORMANT	Gonaur Rai, S/o Late Jodha Rai, R/o village–Rupauli, PS–Tariyani, District–Sheohar.
ACCUSED	Awadhesh Rai, S/o Late Sri Rai, R/o village–Rupauli, PS–Tariyani Chhapra, District–Sheohar.
REPRESENTED BY COMPLAINANT/ INFORMANT	Sri Suresh Roy, Ld. P.P.
REPRESENTED BY ACCUSED PERSON	Sri Yogendra Sah, Ld. Advocate

FORM-B

Date of Offence	25.11.2015
Date of F. I. R.	26.11.2015
Date of Charge sheet	Charge Sheet No.-15/2016, dated 30-01-2016
Date of Cognizance	12.05.2016
Date of Framing Charges	18.10.2017
Date of Commencement of Evidence	09.05.2019
Date on which judgment is reserved	08.04.2026
Date of judgment	10.04.2026
Date of the Sentencing order, if any	NA

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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.	Awadhesh Rai	-	-	U/s-307/34, 323/34, 341/34, 354/34, 504/34 of I.P.C.	Acquitted		

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.	Rampravesh Mahto	Prosecution Witness -01
02.	Gagan Sahni	Prosecution Witness -02
03.	Rina Devi @Sumitra Devi	Prosecution Witness -03
04.	Kamesh Rai	Prosecution Witness -04
05.	Sukhdeo Sahni	Prosecution Witness -05
06.	Gonaur Rai (Informant)	Prosecution Witness -06
07.	Dr. Kameshwar Kumar Singh	Prosecution Witness -07

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;-

Sl. No.	EXHIBIT NUMBER	DESCRIPTION
01.	Exhibit-01	Signature of informant Gonaur Rai on the written petition
02.	Exhibit-02	Injury report of injured Gonaur Rai.

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-10th April, 2026.

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State

Vrs.

Awadhesh Rai, aged about 40 years

Charge framed under Section-
307/34, 323/34, 341/34, 354/34,
504/34 of Indian Penal Code (IPC)

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

Learned Lawyer for the Defence:- Sri Yogendra Sah, Ld. Adv.

JUDGMENT

1. In the instant case, sole accused Awadhesh Rai has been put on trial for offences punishable under Sections-307/34, 323/34, 341/34, 354/34, 504/34 of the Indian Penal Code (IPC).

2. The prosecution case in brief is that the informant Gonaur Rai submitted a written report before the Officer-in-Charge of Tariyani Police Station stating therein that on 25.11.2015, at

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about 11:00 AM, he had gone to a Government hand pump to fetch water. It is alleged that at the said time and place, the accused persons namely, Awadhesh Rai, Ramesh Rai and Raja Rai, objected to the informant fetching water and questioned him as to why he was drawing water from their hand pump. Thereupon, all the accused persons, in furtherance of their common intention, started assaulting the informant. It is further alleged that accused Awadhesh Rai, being armed with a sharp cutting weapon (gadaasa), dealt a blow on the head of the informant, as a result of which he sustained a grievous injury and fell down on the ground in an injured condition. During the course of the occurrence, when the wife of the informant namely, Reena Devi, came to his rescue, accused Phoolpari Devi snatched away a gold Mangalsutra of value of Rs.25,000/- from the neck of the informant's wife. The occurrence is stated to have taken place on the aforesaid date and time. The injured informant was thereafter treated at Belasand Government Hospital.

3. On the basis of the written report Tariyani PS Case No. 179/2015, dated 26.11.2015, was registered under Sections-341,

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323, 324, 307, 379, 504/34 of the Indian Penal Code and investigation was taken up. After completion of the investigation, the Investigating Officer, in compliance with the orders of the superior officer, submitted Charge-sheet No.-15/2016 dated 30.01.2016 against all four named accused persons, namely, Awadhesh Rai, Ramesh Rai, Raja Rai and Phoolpari Devi, under Sections-341, 323, 354, 504/34 of IPC before the competent Court. Thereafter, the learned Sub-Divisional Judicial Magistrate, Sheohar, upon perusal of FIR the charge-sheet and the case diary, and after considering the materials available on record, took cognizance of the offences under Sections-341, 323, 354, 504/34 IPC against the aforesaid accused persons on 12.05.2016, finding a prima facie case to be made out. Subsequently, by order dated 23.12.2016, the learned Magistrate directed that the case records pertaining to the present matter be committed to the Court of the learned District & Sessions Judge. In compliance thereof, the records were transmitted and received by the Court of the learned District & Sessions Judge on 20.01.2017.

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04. In light of the facts mentioned in the order sheet dated 17-10-2017, out of the total four named accused in the present case, due to the absence of three accused namely, Ramesh Rai, Raja Rai and Phool Kumari Devi, the trial of these three accused were separated from the main case. The trial of the only remaining accused, Awadhesh Rai, was conducted in the present sessions trial.

05. In this case, the charge under Sections-307/34, 323/34, 341/34, 354/34, 504/34 of IPC was framed against the above-named accused person namely, Awadhesh Rai. The charge was read over and explained to him in Hindi, to which the accused pleaded not guilty and claimed to be tried.

06. The statement of the sole accused Awadhesh Rai was recorded under Section-313 of the Code of Criminal Procedure on 11.02.2026. In the statement, the aforesaid sole accused denied the occurrence and claimed to be tried.

07. The principal question for consideration before the Court is whether the prosecution has succeeded in proving, by reliable

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and cogent evidence and beyond reasonable doubt, all the charges framed against the aforesaid sole accused person, or not?

08. On behalf of the prosecution, in support of its case, out of the total eight witnesses mentioned in Column No. 13 of the charge-sheet, the prosecution has examined seven witnesses. The prosecution witnesses are PW-1 Rampravesh Mahto (hostile witness), PW-2 Gagandeo Sahni (hostile witness), PW-3 Reena Devi Sumitra Devi, PW-4 Kamesh Rai (hostile witness), PW-5 Sukhdeo Sahni, PW-6 Gonaur Rai (Informant) and PW-7 Dr. Kameshwar Kumar Singh (Medical witness).

09. In order to prove its case, the prosecution has exhibited the following documents, which are marked as under:

A. PROSECUTION:-

Sr. No.	Exhibit Number	Description
01.	Exhibit-01	Signature of informant Gonaur Rai on the written petition
02.	Exhibit-02	Injury report of injured Gonaur Rai.

No oral or documentary evidence has been adduced on behalf of the defence.

10. PW-1 – Rampravesh Mahto, has stated that he does not know anything about the occurrence. He further stated that the

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investigating officer had not recorded his statement. On the request of the prosecution, this witness was declared hostile. He denied the suggestion that he had given a statement to the police and stated that while he was at his grocery shop, he heard a noise. Upon rushing from his shop, he allegedly saw all the accused persons namely, Awadhesh Rai, Ramesh Rai, Raja Rai, and Phoolpari Devi, assaulting Gonaur Rai with Lathi and sticks. He further denied stating that the informant and the accused are co-sharers and that a dispute was ongoing due to partition. He also denied stating that Ramesh Rai (brother of the accused) wanted to live with Gonaur Rai, which led to the accused abusing and assaulting Gonaur Rai. He denied stating that the wife of Gonaur Rai was also assaulted. He further denied stating that Gonaur Rai sustained a head injury and was treated at Belsand Hospital. He also denied the suggestion that, being related to the accused, he had concealed the truth and given a false statement.

In cross-examination, the witness stated that the informant is from his village, and therefore he knows him.

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11. PW-2 – Gagan Sahni, has stated that the accused Gonaur Rai and Awadhesh Rai are co-sharers (pattidars) among themselves. He further stated that he has no knowledge regarding the occurrence. Upon the request of the prosecution, this witness was declared hostile. He denied the suggestion that he had earlier made a statement before the Investigating Officer to the effect that there was a dispute between the informant and the accused persons regarding homestead land, and that Ramesh Rai did not wish to reside with the accused persons, which was the cause of the dispute. He further denied the suggestion that at the time of the occurrence, Gonaur Rai had gone to the hand pump to fetch water, whereupon Awadhesh Rai, along with his three brothers and his mother Phulpari Devi, jointly assaulted Gonaur Rai and his wife, resulting in a head injury to Gonaur Rai, for which he was treated at Belsand Hospital. The witness admitted that he can identify the accused persons. He also denied the suggestion that he has come under the influence of the accused and is deliberately concealing the truth and giving false statements.

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In cross-examination the witness stated that he reside at his house. The distance from his house to Tariyani Police Station is approximately two kilometer.

12. PW-3 – Reena Devi @ Sumitra Devi, has stated that the case has been filed by her husband, Gonaur Rai. The accused persons, namely Awadhesh Rai, Ramesh Rai, Raja Rai, and the mother of Awadhesh Rai, collectively assaulted Gonaur Rai. These persons also assaulted her and her son, Vikram Kumar, with sticks and rods. Awadhesh Rai and Ramesh Rai struck her husband on the head with a sharp-edged weapon (farsa), causing a head injury. The incident occurred four years ago at about 01:30 PM. She stated that she can identify all the accused persons.

During cross-examination, this witness stated that Gonaur Rai is her husband. The accused Awadhesh Rai and Ramesh Rai are her co-brothers. The north of the place of occurrence is a road, to the south is the field of Rambabu, to the west is the house and field of Rajnarayan Sah, and the east is her own house. Awadhesh Rai and Ramesh Rai live separately. Between her

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house and that of accused Awadhesh Rai lies the house of her brother-in-law, Shivji Rai. She further stated that her husband Gonaur Rai, Shivji Rai, Shri Rai, and the father of Awadhesh Rai are closely related as real brothers. At the time of the incident, she was cooking food. Her son Vikram had gone to call her. When she came outside, she saw a crowd of about 100 people. When she reached the place of occurrence, she found her husband bleeding from his head and unconscious. His clothes were soaked with blood. There was a large gathering of people at the place of occurrence. When she went there, the accused persons also assaulted her. She further stated that there has been a land dispute between her family and the family of the accused, and litigation regarding partition of land is ongoing. She stated that she is giving her statement in court for the first time today, she had not given any statement earlier. Her husband has not appeared in court today. She has come to depose voluntarily, along with her brother, Amarjeet Rai. She denied the suggestion that no such incident took place as stated by her, that her

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statement is false, or that she is deposing falsely at the instance of her husband due to the land dispute.

13. PW-4 – Kamesh Rai, has stated that Gonaur Rai is his uncle. A case has been filed by Gonaur Rai against Awadhesh Rai, Raja Rai, and Phoolpari Devi. Awadhesh Rai is his cousin. He is unable to state the reason for the dispute. Nothing had happened to him during the incident. The Investigating Officer did not record his statement. At the request of the prosecution, this witness was declared hostile. In cross-examination by state he said that it is not correct that he had given a statement to the police officer and stated that at the time of the occurrence he was present in the village. Upon hearing noise and commotion, he went there and saw that his brother Awadhesh Rai, Ramesh Rai, Raja Rai, and his mother Phoolpari Devi were collectively assaulting and abusing. When he went to intervene, all the accused persons named in the FIR said that “if you are our brother, why do you associate with Gonaur Rai, we will beat you as well.” Thereafter, his uncle Gonaur Rai went to Belsand Hospital for treatment. He identified the accused persons. It is

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incorrect to say that since the accused persons are his brothers and mother, he has deposed falsely to save them.

In his cross-examination, this witness stated that he did not witness the occurrence with his own eyes. The case has arisen due to family dispute.

14. PW-5 – Sukhdeo Sahni, has stated that he does not know anything about the incident. He also said that the police officer did not record his statement. On the request of the prosecution, this witness was declared hostile.

15. PW-6 – Gonaur Rai, has stated that he is the informant of this case. The incident took place about five years ago at around 11:00 AM. He had gone to fill water at the government hand pump when Awadhesh Rai, Raja Rai, and Phulpari Devi, along with others, abused him and assaulted him. When his wife, Reena @ Sumitra Devi, came to rescue him, all of them also assaulted her. Regarding this incident, he had submitted a written application with his signature to the SHO of Tariyani police station. He do not remember the name of the person who wrote

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the petition. He received treatment at Belsand Government Hospital. He can identify the accused persons.

In cross-examination, the witness stated that there was a large crowd at the place of occurrence. He could not see who assaulted him and his wife or with what object. The person who wrote his petition did not read it out to him, therefore, he was not aware of the facts mentioned in it. He only signed it. The accused persons are his nephews and sister-in-law. There is a family dispute between them. Now, a compromise has been reached between them. We have signed the compromise petition and filed it in court, therefore, they do not wish to pursue the case further.

16 PW-7 – Dr. Kameshwar Kumar Singh, has stated that on 25.11.2015 he was posted as a Medical Officer, P.H.C. Belsand, Sitamarhi on that day at about 01:00 PM, he examined Gonaur Rai, Hindu Male Age-35 years, S/o Jodhar Rai, P.O.-Rupauli, PS-Tariyani, District-Sitamarhi (Sheohar). Vide Registration No.-36087 Emergency No.3620 and found following injuries on his person:-

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(I) Lacerated wound 1½" x ½" x ½" near right Maseoid region of scalp.

(ii) Abrasion 1" x ½" right shoulder

The injuries caused by hard and blunt substance such as blunt portion of Farsa simple in Nature.

M.I-Old Scar mark on Abdomen. Age of Injury:-within 2 Hours.

2. This injury report is written and signed by him Mark as Exhibit-02.

In cross-examination by defence he submitted that all these injuries are possible by falling on hard substance.

Is is not right to say that this injury report is manufactured.

17. In course of argument, learned counsel for the defence submitted that out of the total seven witnesses examined by the prosecution before the Court, four witnesses, PW-01, PW-02, PW-04 and PW-05, were declared hostile by the prosecution, and have not supported the occurrence. PW-03, who is the wife of the informant in the present case, identified the accused during her examination and stated him to be her relative, however, in her cross-examination, she admitted that there existed a prior dispute

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between the families of the accused and the informant regarding partition of land, and that litigation was pending in that regard. PW-06, who is the informant of the present case, also stated the accused to be his family member and admitted that it is family matter between both parties and the matter has been compromised/ settled. PW-07, who is the medical witness, found the injuries of the informant to be simple in nature. Thus, it is argued that the prosecution has utterly failed to prove the charges levelled against the accused. Therefore, it is prayed that giving the benefit of doubt, the accused be acquitted of the charges in the present case.

18. On behalf of the prosecution, the learned Public Prosecutor stated that both parties are members of the same family, and there has been an ongoing land dispute and litigation between them. The doctor found the injuries of the injured person to be simple in nature. It is not in dispute that the accused persons were present on the spot and both sides were inimical to each other and fighting had taken place.

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19. After hearing the argument of both sides, examining the materials available on record, and reviewing the statement of the witnesses presented by the prosecution, it appears that out of the total seven witnesses examined in the court by the prosecution, four witnesses namely, PW-1 Rampravesh Mahto, PW-2 Gagandeo Sahni, PW-4 Kamesh Rai and PW-5 Sukhdeo Sahni were declared hostile by the prosecution, and these four witnesses did not support the occurrence. PW-3 Reena Devi @ Sumitra Devi, who is the wife of the informant of the present case and an interested witness, identified the accused during her examination and stated that he is her brother-in-law. In her cross-examination, this witness also stated that there had been a prior dispute between the families of the accused regarding land partition and that litigation was ongoing. PW-6 Gonaur Rai, who is the informant of the present case, during his examination identified his signature on the petition given at the police station and got it marked as Exhibit-1. He stated that the accused is his nephew and that he had signed the petition submitted at the police station. However, in his cross-examination, this witness

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stated that due to a large crowd at the place of occurrence, he could not see who assaulted him and his wife or with what object. He also stated that the person who wrote the petition did not read it over to him, and he was not aware of the contents mentioned in the petition and had only signed it. In his cross-examination, this witness further stated that the accused persons are his relatives (nephew and daughter-in-law), that it is a family matter between both parties, and that there has been compromise in the case. PW-7 is the medical witness, who found the injuries of the informant to be simple in nature. For an offence under Section 307 of IPC what is material is intention to commit offence. It is not in dispute that both sides are relatives and there is no specific allegation against the accused made by the informant and other witnesses during the course of trial. In cross-examination PW-3 (Rina Devi @ Sumitra Devi), at para-9 and 10 has said that at the time of occurrence she was cooking food and when she reached the spot her husband's head was bleeding. Thus she did not see who had hit his head.

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20. After considering the facts which has come on record in trial, the Court reaches the conclusion that the alleged incident was not committed by the accused, Awadhesh Rai. The prosecution has failed to prove the charges against the said accused beyond reasonable doubt.

ORDER

21. The accused Awadhesh Rai is acquitted by the court under Sections-307/34, 323/34, 341/34, 354/34, and 504/34 of the Indian Penal Code due to lack of sufficient prosecution evidence, giving him the benefit of doubt. He, along with his sureties, is discharged from the liabilities of their bail bonds.

The judgment having been dictate, corrected and signed by me is pronounced in the open Court today on 10.04.2026.

Dictated and corrected by me.

Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar
Dated: 10.04.2026

Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar
Dated: 10.04.2026

Date of Judgment	10.04.2026
Date of Reserving Judgment	08.04.2026
Uploading Date	10.04.2026
Uploaded By	Sanjeev Kumar, (Steno)