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In the Court of Deepak Kumar, Principal Sessions Judge, Sheohar
Sessions Trial No. 17/2018
(Tariyani P.S. Case No. 31/2016)
State V/s Bishun Dayal Sah & Others
(CNR No. BRSO01-000270-2018)

FORM-A

In the Court of Principal Sessions Judge, Sheohar, Bihar Present:- Deepak Kumar, Principal Sessions Judge, Sheohar S.Tr. No.- 17/2018 Tariyani PS. Case No. 31/2016 GR. No.- 121/2016 CNR No.- BRSO01-000270-2021 Offence:- U/s- 307/34, 323/34, 341/34, 447/34, 504/34 of I.P.C. (Date of Judgment:- 01.07.2026)	
COMPLAINANT/INFORMANT	Ramdayal Sah, son of Late Yogi Sah, resident of Village Dumma, Police Station Tariyani, District Sheohar.
ACCUSED PERSONS	1. Bishun Dayal Sah, son of Late Yogi Sah, aged about 61 years. 2. Pramod Sah, son of Late Rameshwar Sah, aged about 38 years. 3. Deep Lal Sah, son of Bilasi Sah, aged about 52 years. 4. Manmohan Sah, son of Bishun Dayal Sah, aged about 32 years. 5. Vinod Sah, son of Late Rameshwar Sah Sah, aged about 33 years. All are residents of Village Dumma, Police Station Tariyani, District Sheohar.
REPRESENTED BY COMPLAINANT/INFORMANT	Sri Suresh Roy, Learned Public Prosecutor.
REPRESENTED BY ACCUSED PERSONS	Mr. Amlesh Kumar, Learned Advocate.

FORM-B

Date of offence	01-03-2016
Date of F.I.R.	09-03-2016
Date of Charge-sheet	C.S.-163/2016, Dated-30-09-2016
Date of Cognizance	20-10-2016
Date of Framing Charges	02-01-2016
Date of Commencement of Evidence	08-05-2019
Date of which judgment is reserved	01-06-2026
Date of judgment	01-07-2026

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Date of the Sentencing order, if any	N.A.
Date of Amalgamate to Record	

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.
1.	Bishun Dayal Sah	24-11-2016	24-11-2016	U/s- 307/34, 323/34, 341/34, 447/34, 504/34 of I.P.C.	Acquitted		
2.	Pramod Sah	24-11-2016	24-11-2016				
3.	DeepLal Sah	24-11-2016	24-11-2016				
4.	Manmohan Sah	24-11-2016	24-11-2016				
5.	Vinod Sah	24-11-2016	24-11-2016				

FORM-C
LIST OF PROSECUTION/DEFENSE/COURT WITNESS

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
01.	Dilip Sah	Prosecution Evidence No.-1 (Hostile Witness)
02.	Ramesh Kumar	Prosecution Evidence No.-2 (Hostile Witness)

B. Defence Witness, if any ; -NIL

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

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;-

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SR. No.	EXHIBIT NUMBER	DESCRIPTION

B. DEFENCE

SR. NO.	EXHIBIT NUMBER	DESCRIPTION

C. COURT EXHIBITS ; NIL

SR. NO.	EXHIBIT NUMBER	DESCRIPTION

D. MATERIAL OBJECTS ;

SR. NO.	MATERIAL OBJECT NUMBER	DESCRIPTION

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Present: Deepak Kumar

Principal Sessions Judge,

Sheohar

Sheohar Dated- 01st July, 2026

Sessions Trial No. - 17/2018

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State

Vrs.

Bishun Dayal Sah & Others

Charge framed under Section-

307/34, 323/34, 341/34,

447/34, 504/34 of I.P.C.

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 five accused persons, namely, (1) Vishun Dayal Sah, (2) Pramod Sah, (3) Vinod Sah, (4) Manmohan Sah, and (5) Deep Lal Sah, have been put on trial for offences punishable under Sections 307/34, 323/34, 341/34, 447/34, and 504/34 of the Indian Penal Code.

02. The prosecution case, as briefly stated in the First Information Report instituted on the basis of the fardbeyan, is as follows:

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The informant, Ram Dayal Sah, stated before the police officer of Tariyani Police Station that on 01.03.2016, at about 9:00 A.M., he was sitting in front of his house after finishing his routine work. At that time, his brother Vishun Dayal Sah, along with four other persons, namely, Pramod Sah, armed with a Farsa Rameshwar Sah, carrying a country-made firearm, and Vilash Sah, Deep Lal Sah, and two or three other persons armed with lathis and iron rods, suddenly arrived at his doorstep. Before he could escape or call the villagers for help, Vishun Dayal Sah pushed him, abused him in filthy language, dragged him outside the house, and all the accused surrounded him from all sides and started assaulting him. On hearing the commotion, his son Shambhu Sah came out of the house to rescue him, whereupon Rameshwar Sah pointed the country-made firearm at his chest and threatened that if he moved, he would be shot dead. Seeing the gravity of the situation, the informant was only thinking of saving his life when all the accused jointly attacked him. Pramod Sah, without any provocation, gave a blow upon him with the Farsa, while Deep Lal Sah and two or three other persons caught hold of him. As a result of the injuries caused by the Farsa and Lathis, he became unconscious and fell on the ground. With the assistance of his family members, he was taken to Sheohar Sadar Hospital. He further stated that only

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recently he had sold maize and had kept Rs. 40,000/- in the wooden almirah of his house, along with certain title deeds relating to his land. Manmohan Sah and Vinod Sah forcibly entered his house and took away cash. When his daughter-in-law, Poonam Devi, protested, she was also assaulted and her gold chain was snatched. The informant further alleged that his brother intended to grab his landed property and, with that object, wanted to eliminate him so that he could be dispossessed of his land.

03. On the basis of the aforesaid fardbeyan, Tariyani P.S. Case No. 31 of 2016, dated 09.03.2016, was instituted under Sections 341, 323, 307, 447, 379 and 504/34 of the Indian Penal Code, and investigation was taken up. Upon completion of the investigation, the Investigating Officer found the allegations to be true against all the seven named accused persons, namely, (1) Bishun Dayal Sah, (2) Pramod Sah, (3) Vinod Sah, (4) Manmohan Sah, (5) Deep Lal Sah, (6) Bilas Sah and (7) Ramaishwar Sah, and accordingly submitted Charge-sheet No. 163 of 2016 dated 30.09.2016 under Sections 341, 323, 447 and 504/34 of the Indian Penal Code before the Court. Upon perusal of the First Information Report, the charge-sheet and the case diary, the learned Additional Chief Judicial Magistrate, Sheohar, found a prima facie

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case to be made out against all the aforesaid seven charge-sheeted accused persons for the offences punishable under Sections 341, 323, 447 and 504/34 of the Indian Penal Code. Accordingly, cognizance of the offences was taken on 20.10.2016. Thereafter, by order dated 04.01.2018, the records of the case were committed to the Court of the learned Sessions Judge, where the records were received on 02.02.2018.

04. As would appear from the order-sheet dated 02.01.2019, one of the accused persons, namely, Ramaishwar Sah died. Consequently, his name was expunged from the present case, and the proceedings thereafter continued against the remaining six accused persons, namely, (1) Bishun Dayal Sah, (2) Pramod Sah, (3) Vinod Sah, (4) Manmohan Sah, (5) Deep Lal Sah and (6) Ram Bilas Sah.

On the same date, i.e., 02.01.2019, after hearing both sides on the point of charge, charges under Sections 307/34, 323/34, 341/34, 447/34 and 504/34 of the Indian Penal Code were framed against the aforesaid six surviving accused persons. The charges were read over and explained to them in Hindi, to which they pleaded not guilty and claimed to be tried.

05. As reflected from the order-sheet dated 12.01.2026, during the course of trial, one another accused, namely, Ram Bilas Sah, had died

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on 12.02.2021. From perusal of order dated 06.08.2025 it is further evident that during the course of trial informant Ram Dayal Sah and witness Shivjee Sah died. Witness Ganesh Sah also died during the course of trial.

06. As is evident from the order-sheet dated 22.04.2026, another accused Ram Bilas Sah had died on 12.02.2021.

Consequently, the trial was ordered to proceed against the remaining five accused persons, namely, (1) Bishun Dayal Sah, (2) Pramod Sah, (3) Vinod Sah, (4) Manmohan Sah and (5) Deep Lal Sah.

07. After closure of prosecution evidence on 06.08.2025 . The statement of the accused persons namely, (1) Bishun Dayal Sah, (2) Pramod Sah, (3) Vinod Sah, (4) Manmohan Sah and (5) Deep Lal Sah was recorded on 29.04.2026 under Section 313 of the Code of Criminal Procedure. In their statement, all the aforesaid accused persons denied the occurrence and claimed themselves to be innocent. Thereafter, on behalf of defence no oral or documentary evidence was produced. After closure of defence evidence case was put for argument on 01.06.2026.

08. Prosecution examined all together two witnesses namely Dilip Sah and Ramesh Kumar.

09. Prosecution witness No. 1 Dilip Sah deposed during the course

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of trial that he does not know anything about the incident and police have not recorded his statement.

10. Prosecution witness No. 2 Ramesh Kumar deposed during the course of trial that he does not know anything about the incident and police have not recorded his statement.

11. Now it has to be seen whether the prosecution has been able to prove the charges leveled against accused persons(1) Bishun Dayal Sah, (2) Pramod Sah, (3) Vinod Sah, (4) Manmohan Sah and (5) Deep Lal Sah beyond all reasonable doubt or not?

FINDINGS

12. The learned Public Prosecutor submitted that, in the present sessions trial, two witnesses have been examined by the prosecution. For an offence U/s 307 I.P.C intention is to be seen and not an injury.

13. During the course of arguments, the learned counsel for the defence contended that the prosecution had examined two witnesses before the Court, and both of them had been declared hostile by the prosecution. It was further argued that neither of these witnesses have supported the prosecution case or the alleged occurrence in any manner. It was, therefore, prayed that the accused persons be acquitted of all the charges framed against them.

14. Upon hearing the submissions advanced on behalf of both sides and upon careful perusal of the materials available on the record, it

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transpires that the prosecution examined only two witnesses in support of its case, namely, Prosecution Witness No. 1, Dilip Sah, and Prosecution Witness No. 2, Ramesh Kumar. Both of these witnesses were declared hostile by the prosecution. In their respective depositions, both the witnesses made substantially identical statements to the effect that they had no knowledge whatsoever about the alleged occurrence and that the Investigating Officer had not recorded their statements during the course of investigation.

15. In view of the aforesaid facts and circumstances, the evidence brought on record, the nature of the case, and upon an overall appreciation of the oral evidence available on the record, this court arrives at the conclusion that no cogent or convincing evidence has been brought on record to establish the involvement of the five accused persons, namely, (1) Bishun Dayal Sah, (2) Pramod Sah, (3) Vinod Sah, (4) Manmohan Sah and (5) Deep Lal Sah, in the commission of the alleged occurrence. The prosecution has failed to prove the charges levelled against the aforesaid accused persons beyond all reasonable doubt. In such circumstances, all the accused persons are entitled to an acquittal for want of reliable and sufficient evidence.

16. Accordingly, all the aforesaid five accused persons, namely,

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(1) Bishun Dayal Sah, (2) Pramod Sah, (3) Vinod Sah, (4) Manmohan Sah and (5) Deep Lal Sah, are hereby held not guilty and are acquitted of the charges under Sections 307/34, 323/34, 341/34, 447/34 and 504/34 of the Indian Penal Code.

The judgment, after being written, corrected and signed by me, was pronounced in open court today on 01.07.2026

Dictated & Corrected
Sd/
(Deepak Kumar)
Principal Sessions Judge,
Sheohar
01.07.2026

-Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar
01.07.2026

Date of Judgment	01.07.2026
Date of Reserving Judgment	01.06.2026
Uploading Date	01.07.2026
Uploaded By	Sanjeev Kumar, (Steno)