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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I
-cum-SPECIAL JUDGE, S.C./S.T. SHEOHAR**

Present:- Sri Mahesh Kumar
SC/ST Case No. 01/2018
State Vs. Vishwanath Sah.

FORM-A

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I-cum-SPECIAL JUDGE,
S.C./S.T. SHEOHAR**

Present:- Sri Mahesh Kumar
(Date of Judgment:- 02.06.2026
Registration No.- BRSO01-001137-2018

F.I.R. No.:- 01/2018
Offence:- U/s 341, 323, 404 of I.P.C & 3(1)(r),3(1)(s) SC/ST Act.

Police Station :- Sheohar, SC/ST, District- SHEOHAR.

INFORMANT	Mina Kumari D/o Muneshwar Paswan, Vill- Sheohar Ward No. 02, P.S.+District- Sheohar.
REPRESENTED BY	Ld. Additional P.P., Sri. Ganesh Kumar Patel
ACCUSED	1. Vishwanath Sah S/o Late Khelawan Sah, aged about-70 years, 2. Ramashankar Sah S/o Vishwanath Sah, aged about 47 years, 3. Sanjay Sah @ Sanjay Kumar S/o Viswanath Sah, aged about 36 years, 4. Vijay Sah S/o Vishwanath Sah, aged about 40 years, R/o vill- Nagar Parisad ward No. 19, P.S. + District- Sheohar.
REPRESENTED BY ACCUSED PERSONS	Learned Advocate:- Sri Amlesh kumar.

FORM-B

Date of offence	29.01.2018
Date of F.I.R.	30.01.2018
Date of Chargesheet	C.S. No. 4/2018 dated 23.03.2018
Date of Framing Charges	03.12.2018
Date of Commencement of Evidence	07.01.2019
Date of which judgment is reserved	N/A
Date of judgment	02.06.2026
Date of the Sentencing order, if any	N.A.
Date of Amalgamate to Record	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	Sentenc e imposed	Period of Detention during Trial for purpose of section 428 of Cr.P.C.



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01	Vishwanath Sah	N/A	09.08.2018	U/s 341, 323, 504 of I.P.C & 3(1)(r),3(1)(s) SC/ST	acquitted		
02	Ramashankar Sah	N/A	09.08.2018	U/s 341, 323, 504 of I.P.C & 3(1)(r),3(1)(s) SC/ST	acquitted		
03	Sanjay Sah @ Sanjay Kumar	N/A	09.08.2018	U/s 341, 323, 504 of I.P.C & 3(1)(r),3(1)(s) SC/ST	acquitted		
04	Vijay Sah	N/A	09.08.2018	U/s 341, 323, 504 of I.P.C & 3(1)(r),3(1)(s) SC/ST	acquitted		

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.	Jamil Akhtar	Prosecution witness no.01
02.	Vishnudev Paswan	Prosecution witness no.02
03.	Mina Kumari (informant)	Prosecution witness no.03
04.	Rajesh Chaudhari	Prosecution witness no.04

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;-

SR. NO.	EXHIBIT NUMBER	DESCRIPTION



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01	Ext. - 1	Signature of victim to the application given in the SC/ST Polise station.
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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

Judgment

1. The case has been tried against the above named accused persons namely, 1. Vishwanath Sah, 2. Ramashankar Sah, 3. Sanjay Sah @ Sanjay Kumar and 4. Vijay Sah U/s 341, 323, 404 of I.P.C & 3(1)(r), 3(1)(s) SC/ST Act.

2. The case of prosecution in brief as per the statement of informant Mina Kumari is that the informant on 29.01.2018 at 04:00 PM, while she was returning home from the district headquarter. She was intercepted near registry Chowk by accused persons Vishnath Sah, Ramshankar Sah, Sanjay Sah, Vijay Sah and 3-4 unknown persons. It is alleged that Vishwanath Sah ordered his associates to capture and confine her and they also using caste-related abusive remarks. Thereafter the accused persons allegedly assaulted her, dragged her and punched and kicked her on her stomach back and chest. Further, accused Ramashankar Sah and Sanjay Sah allegedly attempted to kill her by strangulating her with her own dupatta causing difficulty in breathing. On hearing the commotion local persons namely Ishtiyahq Ahmad, Vishnudev Paswan, Jameel Akhtar



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and Roopnandan Paswan arrived at the spot rescued her and took her to Sadar Hospital Sheohar for treatment. The alleged motive behind the occurrence was stated to be a dispute regarding payment of approximately Rs. 45,000/- remaining against Vishwanath Sah in connection with the supply of bricks for school building construction during the period when the informant served as secretary of a primary school, then an F.I.R. was registered in Sheohar SC/ST Police Station Case No. 01/2018 U/s 341, 323, 354, 504/34 of I.P.C. & 3(1)(r)(s)(e), 3(2)(va) SC/ST Act.

3. After investigation by the investigator, charge-sheet number-04/2018 dated 23.03.2018 has been submitted in the court against the above-named accused persons namely, 1. Vishwanath Sah, 2. Ramashankar Sah @ Ramashankar Prasad, 3. Sanjay Sah @ Sanjay Kumar and 4. Vijay Sah @ Vijay Kumar. Thereafter, in the present case, the court on its order dated 20.04.2018 took cognizance for the offence under section- 341, 323, 504/34 of I.P.C. & 3(1)(r)(s) SC/ST Act against the accused persons namely, 1. Vishwanath Sah, 2. Ramashankar Sah @ Ramashankar Prasad, 3. Sanjay Sah @ Sanjay Kumar and 4. Vijay Sah @ Vijay Kumar.

4. On 03.12.2018 charge was framed against the above accused persons namely, 1. Vishwanath Sah, 2. Ramashankar Sah, 3. Sanjay Sah @ Sanjay Kumar and 4. Vijay Sah under Section 341, 323, 505/34 of I.P.C. & 3(1)(r), 3(i)(s) SC/ST Act. and it was read over and explained in Hindi to the accused persons and the above named accused persons denied the charge leveled against them and claimed to be tried.

5. The statement of accused persons were recorded on 09.12.2025 under Section 313 of the Cr.P.C., in which the above named accused persons declared themselves innocent. But neither any oral evidence nor any documentary evidence has been produced in defence. Thereafter, by



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order dated 07.03.2026, the defence evidence was closed and the record was fixed for argument.

6. Now the main question before the Court is whether the prosecution has been able to prove its case against the accused persons beyond reasonable doubts ?

7. The prosecution produced total four (04) witnesses in support of its case before the court, which are as follows:-

01.	Jamil Akhtar	Prosecution witness no.01
02.	Vishnudev Paswan	Prosecution witness no.02
03.	Mina Kumari (informant)	Prosecution witness no.03
04.	Rajesh Chaudhari (I.o)	Prosecution witness no.04

08. **Prosecution witness No.-01 Jamil Akhtar** in his examination-in-chief stated that the incident occurred one and half year ago at about 04:00 PM. At the Registry Office Chowk, it was observed that Vishwanath Shah, Ramashankar and Sanjay were beating Meena Kumari and they said you bastard Dusad, I will enter into your house and kill you. Everyone were kicking and hitting with punch to the informant Mina Kumari. I recognize the *mudalham*.

This witness stated in his cross-examination that my house is in ward No. 1, Sheohar. He also stated that he does not seen the injury over the informant and Registry Officer is a place where there was a crowd.

9. **Prosecution Witness No. 02 Vishnudev Paswan** in his examination-in-chief stated that the incident took place on 29.01.2018 at about 04:00 PM. At this time he was going home with his sister informant Mina Kumari from the District Headquarter. When they which near the Registry Office the accused persons asked *saali dom* you are showing her self as a *netayin*. They will catch them and locked them up in a *Kaalkothari*. Then all accused persons started to assault her. Sanjay Sah and Ramashankar Sah started to torn her *dupatta* and dragged away then



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Jamil Akhtar, Nandan Paswan and Imtiyak Ahmand came and try to save her from accused persons. Then they took her to Sadar Hospital sheohar for treatment. He identified the *Mudalham* who are present today in the court.

This witness stated in his cross-examination that I came myself to testify. My elder sister, Meena Kumari is standing in court today. I does not know Jamil Akhtar. He has also stated that when he saw his sister Mina Devi she was unconscious and I have not seen blood on her body. In para-8 of his cross-examination he has stated that Jamil Akhtar and Istiyak Ahmed reached on the place of incident 10 to 15 minutes after the incident. He also says that I have come to testify alongwith my sister.

10. **Prosecution Witness No.-03. Mina Kumari (Informant)** deposed in his examination-in-chief that she is informant of the case. The incident occurred on 29.01.2018 at 4 PM near registry chowk. We were returning home from the district headquarters when we reached registry chowk vishwanath Sah, Rama Shankar Sah, Sanjay Sah, Vijay Sah all three fathers of vishwanath Sah and three or four unidentified individuals, whom we did not recognize suddenly appeared. Vishwanath Sah ordered his associates to capture and confine her and they also using caste-related abusive remarks. Thereafter the accused persons allegedly assaulted her, dragged her and punched and kicked her on her stomach back and chest. Further, accused Ramashankar Sah and Sanjay Sah allegedly attempted to kill her by strangulating her with her own dupatta causing difficulty in breathing. On hearing the commotion local persons namely Ishtiyag Ahmad, Vishnudev Paswan, Jameel Akhtar and Roopnandan Paswan arrived at the spot rescued her and took her to Sadar Hospital Sheohar for treatment. The inspector wrote all these things in Sadar Hospital Sheohar At 10:00 PM after asking me and she signed it after reading it. This is individual statement on which She has signed which is marked as Exhibit-1.

She has stated in her cross-examination that accused Vishwanath



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Sah is the owner of Brick Chimini and there was no dues on me for bricks. She has land dispute with accused Vishwanath Sah for which case has been filed and disposed off. She has also stated she has filed SC/ST P.S. Case No. 29/2015 against Block Education Officer, Jawahar Lal Sahni, which has been found false by the investigating officer. She has also stated that she did not unconscious at the time of incident.

11. **Prosecution witness number-04 Rajesh Chaudhari** deposed in his examination-in-chief that the on 30.01.2018 I was posted as a Sub-Inspector SC/ST Police Station. The endorsement on the statement in SC/ST Police Station Case No. 01/2018 is in my handwriting and signature which I recognize. This is marked as Exhibit P2/PW4 on behalf of the prosecution. The formal FIR SC/ST Police Station Case No. 01/2018 dated 30.01.2018 is in my handwriting and signature which I recognize. The entire formal FIR is marked as Exhibit P3/PW4 on behalf of the prosecution and my signature is marked as Exhibit P4/PW4 on behalf of the prosecution. Charge-sheet No. 04/2018 in SC/ST Police Station Case No. 01/2018 is in my handwriting and signature which I recognize. The entire charge-sheet and signature are marked as Exhibit P5/PW4 on behalf of the prosecution. I personally took charge of the investigation of this case, perused the FIR and recorded it in the case diary. Then I recorded the statement of the injured plaintiff Meena Kumari. Inspected the scene of the incident. The scene of this incident is the main paved Road at Sheohar Registry Chowk to the north of which is the Registry Office to the South is Ramesh Prasad's shop and Bhairo Prasad's sweet shop, to the east is the PCC main paved road and to the west is the PCC main paved road and Govind Kirana and Jewellers shop. The statement of witnesses Bhola Prasad Gupta, Sunil Kumar and Ramesh Prasad were taken and recorded in the case diary who supported the incident. On February 2, 2018 the statement of witnesses Jamil Akhtar and witness Vishnudev Paswan were taken and recorded in the case diary. Arrived at Sadar Hospital Sheohar and obtained the injury examination

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report of the injured informant. Received report-1 on 20 March, 2018. Recorded it in the case diary Report-2 cum Final Order. On 23.03.2018 on the basis of available witnesses charge sheet No. 04/2018 dated 23.03.2018 submitted against the named accused Vishwanath Sah, Ramashankar Sah, Sanjay Sah, Vijay Sah, Shohar U/s 341,323,504/34 of IPC & 3(1)(r) SC/ST Act.

This witness stated in his cross-examination that The FIR has lodged on 30.01.2018 at 11:30 am. A site map of the incident has not been prepared. Ramesh Prasad Gupta's statement was taken in the vicinity of the incident site. No stones or blood marks were found at the scene of the incident. Witness Ramesh Prasad has stated that he was at the spot but did not see the fight taking place. In para-23, I have mentioned that the medical officer has obtained the injury report of the plaintiff, in which no external injury of any kind has been found on the body of the plaintiff. I have received observation note in para-31, in which it is written that after the incident a CD has been made available by the informant, on observing which in the first video clip the informant and Ishtiyak Ahmed are found entering a shop and the informant is found with a dupatta wrapped in her hand and her brother is called out to the informant, whereas in the second clip the voice of the informant is heard being stopped from abusing, but in both the video clips received no caste based abuse, beating and anything like putting a noose around the neck is seen. I have found in my investigation that there was a dispute between the two parties regarding the outstanding amount for bricks. Witness Jamil Akhtar did not tell me in his statement that Dushaadhin Sali would enter the house and kill him. Witness Vishundev Paswan did not mention in his statement to me that he was returning home with Didi from the district headquarters. When he reached the Registry Office, Vishwanath Prasad suddenly came running and said, "You dom, you're acting like a leader of a Dushadhan (dushadi), lock her up in the dungeon." All the witnesses started kicking and punching her. Sanjay Sah and Ramashankar



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Sah grabbed Didi's scarf and started pulling it. The informant has used the words "dom" and "netayin" in her statement and re-statement. The informant has not produced any blood-stained cloth before me.

12. The prosecution has produced the following documentary evidence before the Court in support of its case, which are as follows:-

Ext.- 1	Signature of victim to the application given in the SC/ST Police station.
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13. Learned Additional Public Prosecutor, appearing for the prosecution, submits that the prosecution has been fully successful in proving the charges leveled against the accused persons on the basis of the evidence of the witnesses produced by the prosecution. Therefore, they are legally liable to be punished.

14. Learned counsel for the defence submits that the evidence of the witnesses adduced by the prosecution does not substantiate the charges leveled against the accused persons. Therefore, the accused persons should be acquitted for the allegation leveled against them.

FINDINGS

15. Generally, prosecution bear the burden of proof and are required to prove their version reasonable doubt. This means that the prosecution being presented by the prosecution must be proven to the extent that there could be no reasonable doubt in the mind of a reasonable person that the defendants are guilty.

16. In order to prove the prosecution case the prosecution has produced altogether 4 (four) witnesses. The witnesses produced by prosecution have stated different story in their deposition. Witness No. No. 2 Vishnudev Paswan and Witness No. 3 (informant) Mina Kumari have also failed to corroborate the case of the prosecution. Both the informant Mina Kumari and her brother Vishnudev Paswan are interested



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witnesses. Their statement is contradictory. The testimonies of both witnesses do not corroborate each other. From the perusal of FIR it appears that at the time of incident the informant Mina Kumari was alone and the accused persons were abused and beaten her but from the statement of witness No. 2 Vishnudev Paswan it appears that he has tried his best to put himself at the place of incident and at the time of occurrence. Witness No. 2 has clearly given contradictory statement and stated that the informant was unconscious when he reached at the spot whereas the informant says that she never become unconscious at the time of incident. Meaning thereby that the statement of these witnesses are not reliable. From the statement of witness No. 2 in his cross-examination para-8 that Jamil Akhtar and Istiyak Ahmed reached on the place of incident 10 to 15 minutes after the incident. From these statement of witness no. 2 it is clear that witness no. 1 Jamil Akhtar has not seen the incident. So, the evidence of witness no. 1 Jamil Akhtar can not be relied upon. In this case the prosecution has not produced any medical report before the court hence the statement of injury to the informant is not supported by any medical evidence. In this way the prosecution as failed to corroborate the story of injury to the informant. Hence, the prosecution has failed to prove the offences under Section U/s 341, 323, 504 of I.P.C & 3(1)(r), 3(1)(s) SC/ST against the accused persons. In this way the prosecution has dismally failed to prove the offence under Section U/s 341, 323, 504 of I.P.C & 3(1)(r), 3(1)(s) SC/ST.

ORDER

In the absence of sufficient prosecution evidence the above named accused persons namely 1. Vishwanath Sah, 2. Ramashankar Sah, 3. Sanjay Sah @ Sanjay Kumar and 4. Vijay Sah are acquitted for the offences U/s 341, 323, 504 of I.P.C & 3(1)(r), 3(1)(s) SC/ST. Since all the accused persons are already on bail. Hence, all the accused persons



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namely 1. Vishwanath Sah, 2. Ramashankar Sah, 3. Sanjay Sah @ Sanjay Kumar and 4. Vijay Sah are discharged from the liability of their bail bonds.

Dictated and Corrected by

Mahesh Kumar

(Mahesh Kumar)

Additional District

& Sessions Judge -1st

-cum- Special Judge

SC/ST Sheohar

Date-02.06.2026



Dictated and Corrected by

Mahesh Kumar.

(Mahesh Kumar)

Additional District

& Sessions Judge -1st

-cum- Special Judge

SC/ST Sheohar

Date- 02.06.2026