

In the Court of Deepak Kumar, Principal Sessions Judge, Sheohar
Sessions Trial No. -66/2022
(Shyampur Bhataha PS Case No.- 44/2017)
CNR No. -BRSO0-001183-2022

State Vrs. Neelmani & Others

FORM-A

In the Court of Principal Sessions Judge, Sheohar Present:- Sri Deepak Kumar, Principal Sessions Judge, Sheohar, <u>S.Tr. No.-66/2022</u> (<u>Shyampur Bhataha PS Case No.-44/2017</u>) <u>CNR No. -BRSO01-001183-2022</u> State Vrs. Neelmani & Others Offence:- U/s- 307/34,323/34, 341/34,447/34,504/34 of I.P.C (Date of Judgment:- 18-05-2026)	
COMPLAINANT/INFORMANT	Neeraj Kumar Singh, son of Satyendra Kumar Singh, resident of Village–Lalgarh Yogiya, P.S.–Shyampur Bhataha, District–Sheohar.
ACCUSED	1. Neelmani,S/o Arun Kumar Singh, aged about 37 years; 2. Prashant Kumar @ Mithu, S/o Arun Kumar Singh, aged about 35 years; Both residents of Village–Lalgarh Yogiya, P.S.–Shyampur Bhataha, District–Sheohar.
REPRESENTED BY COMPLAINANT/INFORMANT	Sri Suresh Roy, Ld. Public Prosecutor
REPRESENTED BY ACCUSED PERSON	Sri MadhuKant Pandey, Ld. Advocate,

FORM-B

Date of Offence	29-05-2017
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Date of F. I. R.	30-05-2017
Date of Charge sheet	C.S.- 96/2019, Dated- 30-08-2019
Date of Cognizance	20-09-2019
Date of Framing Charges	14-07-2022
Date of Commencement of Evidence	01-08-2022
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.	Neelmani	14-06-2017	14-06-2017	U/s- 307/34, 323/34, 341/34, 447/34, 504/34 of IPC.	Acquitted		
02.	Prashant Kumar Mithu. @	14-06-2017	14-06-2017				

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RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
01.	Lallan Kumar Singh	P.W. No. 01 – (Hostile Witness)
02.	Sudhir Kumar Singh	P.W. No. 02 – (Hostile Witness)
03.	Umashankar Singh	P.W. No. 03 – (Hostile Witness)
04.	Jitendra Kumar Singh	P.W. No. 04 – (Hostile Witness)
05.	Dheeraj Kumar Singh	P.W. No. 05 – (Hostile Witness)
06.	Manoj Singh @ Neeraj Kumar Singh	P.W. No. 06 – (Informant, Hostile Witness)
07.	Akhilesh Kumar Singh	P.W. No. 07 – (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)
-	-	-

C. COURT WITNESS, if any ; -NIL

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

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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
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D. MATERIAL OBJECTS ;

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

Sheohar Dated- 18th May, 2026.

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State

Vrs.

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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 MadhuKant Pandey

JUDGMENT

01. In the present sessions trial, two accused persons, namely, 01. Neelmani and 02. Prashant Kumar @ Mithu, have been put on trial for the offences punishable under Sections 307/34, 323/34, 341/34, 447/34 and 504/34 of the Indian Penal Code.

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02. The prosecution case, as disclosed in the First Information Report, in brief, by the informant, is that on 29.05.2017 at about 05:00 P.M., all of a sudden, 01. Neelmani and 02. Prashant @ Mithu, both sons of Arun Kumar Singh, residents of Village–Lalgarh Yogiya, P.S.–Shyampur Bhataha, District–Sheohar, armed with deadly weapons, along with eight to ten unknown miscreants, came to the door of the informant. On seeing the informant’s father, Neelmani, who was carrying a country-made pistol, exhorted to kill him. Thereafter, Prashant, who was armed with an iron rod, and other unknown persons, who were armed with hockey sticks, started assaulting the informant’s father. On hearing the alarm raised by his father, the informant and his younger brother-in-law, namely, Akhilesh Kumar Singh, son of Laxmi Narayan Singh, came out of the house. Neelmani again called upon to kill them. Thereupon, Prashant assaulted the informant’s brother-in-law on his head Iron rod, while the other miscreants assaulted the informant with hockey sticks. On hearing the hue and cry, the informant’s brother, Dheeraj Kumar Singh, and uncle, Jitendra Kumar Singh, also arrived at the place of occurrence. In the meantime, Neelmani snatched gold chain from the neck of the

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informant's brother-in-law. Thereafter, upon arrival of the villagers, all the accused persons fled away from the place of occurrence on two and four wheeler vehicles. It has further been alleged that even prior to the present occurrence, the accused persons had assaulted the informant's family members on several occasions. On the basis of the aforesaid written report, the present case was instituted.

03. On the basis of the aforesaid written application, Shyampur Bhataha P.S. Case No. 44 of 2017 dated 30.05.2017 was instituted under Sections 341, 323, 447, 324, 379, 504 and 506/34 of the Indian Penal Code, and investigation of the case was taken up. After completion of investigation, the Investigating Officer, having found the allegations levelled against the two named accused persons, namely, 01. Neelmani and 02. Prashant Kumar @ Mithu, to be true, submitted Charge-sheet No. 96 of 2019 dated 30.08.2019 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, First Class, Sheohar, upon perusal of the First Information Report, charge-sheet and case diary, took cognizance of the offences under Sections 341, 323, 307,

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447 and 504/34 of the Indian Penal Code against the aforesaid two accused persons, namely, 01. Neelmani and 02. Prashant Kumar @ Mithu, by order dated 20.09.2019, finding a prima facie case to be made out against them. Subsequently, vide order dated 29.04.2022, the records of the case were committed to the Court of Sessions, which were received by the Court of the learned District and Sessions Judge, Sheohar, on 06.06.2022. Thereafter, the learned District and Sessions Judge, Sheohar, framed charges on 14.07.2022 against the aforesaid accused persons, namely, 01. Neelmani and 02. Prashant Kumar @ Mithu, 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 the aforesaid accused persons, namely, 01. Neelmani and 02. Prashant Kumar @ Mithu, on 14.07.2022, which were read over and explained to them in Hindi. The accused persons denied the charges and claimed to be tried.

05. Thereafter, the statements of the aforesaid accused persons, namely, 01. Neelmani and 02. Prashant Kumar @ Mithu were

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recorded under Section 313 of the Code of Criminal Procedure on 16.03.2026. In their statements, both 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 successful in proving all the charges levelled against the aforesaid accused persons beyond all reasonable doubts by adducing cogent and reliable 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. Among them, Prosecution Witness No. 01, Lallan Kumar Singh (hostile witness); P.W. No. 02, Sudhir Kumar Singh (hostile witness); P.W. No. 03, Umashankar Singh (hostile witness); P.W. No. 04, Jitendra Kumar Singh (hostile witness); P.W. No. 05, Dheeraj Kumar Singh (hostile witness); P.W. No. 06, Manoj Singh @ Neeraj Kumar Singh, the informant (hostile witness); P.W. No. 07, Akhilesh Kumar Singh (hostile witness); and P.W. No. 08, Ravindra Kumar, the Investigating Officer, have been examined on behalf of the prosecution.

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

A. PROSECUTION

Sl. No.	Exhibit Number	Description
01.	Exhibit-1	Original written application/petition
02.	Exhibit-1/1	Endorsement made on the written application by the then Officer-in-Charge, Dev Anand Kumar
03.	Exhibit-2	Formal First Information Report
04.	Exhibit-3	Charge-sheet

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

09. In the present case, out of the total eight witnesses examined before the Court on behalf of the prosecution, except P.W. No. 08, Ravindra Kumar, the Investigating Officer, all the remaining seven witnesses, including the informant, were declared hostile by the prosecution. Therefore, in the facts and circumstances of the case, no useful purpose would be served in making a detailed judicial scrutiny of the evidence of all these seven hostile witnesses.

10. P.W. No. 08, Ravindra Kumar, who is the Investigating Officer of the present case, has stated in his examination-in-chief on solemn affirmation that on 30.05.2017 he was posted as Assistant Sub-

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Inspector at Shyampur Bhataha Police Station. He deposed that the formal First Information Report of Shyampur Bhataha P.S. Case No. 44 of 2017 was in the handwriting and signature of the then Officer-in-Charge of the Police Station, Dev Anand Kumar, which he identified. The formal First Information Report dated 30.05.2017 was marked on behalf of the prosecution as Exhibit-2. He further stated that the endorsement made on the written application of the informant, Neeraj Kumar Singh, 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 on behalf of the prosecution. He also identified the handwriting and signature of Assistant Sub-Inspector Lallan Kumar on the charge-sheet submitted in the case, which was accordingly marked as Exhibit-3.

The witness further deposed that on 30.05.2017 he took over the investigation of the case and commenced investigation. He entered the written application of the informant in the case diary and re-recorded the statement of the informant, Neeraj Kumar Singh. Thereafter, he inspected the place of occurrence. According to him, the place of occurrence was situated at Village Lalgah Yogiya,

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approximately 05 kilometres south-west of Shyampur Bhataha Police Station. He found mango and jackfruit trees adjacent to the informant's house, where the occurrence of assault and abuse was alleged to have taken place.

The Investigating Officer further described the boundary of the place of occurrence by stating that towards the east there was an orchard of Semar, mango and jackfruit trees belonging to Satyendra Singh; towards the west was the entrance gate of the house of Ravi Singh; towards the north was a PCC village 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 namely, Jitendra Singh, Dheeraj Kumar Singh, Sudhir Kumar Singh, Lallan Kumar Singh and Umashankar Singh and entered the same in the case diary. Thereafter, on 27.06.2017, he handed over charge of the investigation to the then Officer-in-Charge, Dev Anand Kumar.

In his cross-examination on behalf of the defence, this witness stated that he did not get sufficient opportunity to complete the entire investigation of the case. He admitted that he had not mentioned in the case diary the date and time of inspection of the place of occurrence.

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He further admitted that he had not recorded the statements of witnesses Satyendra Singh and Ravi Singh in the case diary. He also admitted that during investigation he had neither seized the weapons allegedly used in the occurrence nor any blood-stained clothes from the injured persons. He further admitted that no injured person had produced blood-stained clothes before him and he had also not seized any such articles. The witness further stated that he had not prepared the sketch map of the place of occurrence. He stated that he did not remember whether there existed any relationship between the parties. He also admitted that he was the Investigating Officer of the counter-case as well. According to him, he did not get full opportunity to complete the investigation and, therefore, he could not arrive at any definite conclusion. However, he denied the suggestion that his investigation was defective. Thus, from the evidence of this Investigating Officer, no such fact emerges which may establish either the participation or involvement of the accused persons in the alleged occurrence.

11. During the course of arguments, the learned counsel appearing on behalf of the defence submitted that out of the total eight witnesses

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examined by the prosecution before the Court, except P.W. No. 08, Ravindra Kumar, all the remaining seven witnesses, including P.W. No. 06, the informant, were declared hostile by the prosecution itself, and none of them supported the prosecution case regarding the occurrence. It was further argued that both parties are co-sharers/pattidars and that a compromise has already been amicably effected between them not only in the present case but also in the counter-case arising out of the same occurrence. It was contended that, in such circumstances, the prosecution has utterly failed to prove the charges levelled against the aforesaid accused persons beyond reasonable doubt. Accordingly, it was prayed that the aforesaid accused persons be acquitted from the charges by extending to them the benefit of doubt.

12. On the other hand, the learned Public Prosecutor, appearing on behalf of the prosecution, submitted that both the parties are co-sharers however it is not disputed that offence has not been committed. I.O. has explained how offence has been committed.

13. Upon hearing the arguments advanced by both sides, and on perusal of the materials available on record, the evidence adduced, and

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the testimonies of the witnesses produced 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.-08, who is the Investigating Officer of the present case, all the remaining seven witnesses including the informant have been declared hostile by the prosecution. None of these witnesses supported the prosecution story. Hence, in the opinion of this Court, no useful purpose would be served by making a detailed discussion of the testimonies of all these seven hostile witnesses.

P.W.-06, Manoj Singh @ Neeraj Kumar Singh, who is the informant of the present case and who has also declared hostile by the prosecution, stated in his evidence that he identified his handwriting and signature on the written application submitted at the police station, which was marked as Exhibit-1. However, he further stated that the Investigating Officer had not recorded his statement. In his cross-examination by the defence, he stated that he could not identify the persons who had assaulted him because their faces were covered with cloth, the accused persons were implicated on the basis of what others had told him. He further deposed that the accused persons were

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his co-sharer and a compromise had already been arrived at between the parties in the present case as well as in the counter-case.

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

P.W.-08, Ravindra Kumar, the Investigating Officer of the present case, stated in his deposition mainly that he identified the signature of the then Officer-in-Charge on the formal First Information Report, which was marked as Exhibit-02, and the charge-sheet, being in the handwriting and bearing the signature of Assistant Sub-Inspector Lallan Kumar.

In his cross-examination, he admitted that he did not get sufficient opportunity to complete the investigation. The statements of witnesses Satyendra Singh and Ravi Singh were not entered in the case diary, that the weapon allegedly used in the assault was not seized during investigation, and no sketch map of the place of occurrence was prepared.

Thus, from the testimony of this Investigating Officer as well, no material fact emerges to establish the involvement of either of the

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accused persons in the alleged occurrence or to prove that the occurrence was committed by them.

14. Thus, in view of the aforesaid facts, circumstances, discussed evidence, and upon careful scrutiny and consideration 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 occurrence in question was committed by the two accused persons facing trial, namely, 01. Neelmani and 02. Prashant Kumar @ Mithu, and that the aforesaid accused persons have not committed any offence as alleged.

15. The prosecution thus has failed to prove the charges levelled against the aforesaid accused persons beyond all reasonable doubts. In such circumstances, the accused persons are entitled to acquittal for want of sufficient evidence. Accordingly, the following order is passed:—

ORDER

16. Accordingly, the aforesaid named accused persons, namely, 01. Neelmani and 02. Prashant Kumar @ Mithu, are hereby held not guilty and are acquitted by this Court of the charges under Sections

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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.

The judgment has 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)