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In the Court of Deepak Kumar, Principal Sessions Judge, Sheohar

Sessions Trial No. - 77/2023

State Vrs. Somari Devi & Others

FORM-A

In the Court of Principal Sessions Judge, Sheohar

Present:- Sri Deepak Kumar, Principal Sessions Judge, Sheohar,

(Date of Judgment:-09-03-2026)

S.Tr. No-77/2023,

Tr. No. 533/2023.

CIS No. BRS001-001870-2023

Shyampur Bhataha P.S. Case No. 42/2021

G.R.No.-347/2021.

**Offence:- U/s-147, 307/149, 323/149, 341/149, 342/149, 504/149 &
325/149 I.P.C.**

District-SHEOHAR.

COMPLAINANT/INFORMANT	Umesh Sahni, S/o Late Tufani Sahni, resident of Village-Ramvan Tole Godhiya, P.S.-Shyampur Bhataha, District-Sheohar.
ACCUSED	1. Somari Devi, W/o Vipit Sahni 2. Uma Shankar Sahni @ Uma Sahni, S/o Rajmangal Sahni 3. Mahesh Sahni, S/o Late Ramdeni Sahni 4. Sanjeet Kumar @ Sanjeet Sahni, S/o Chaitu Sahni 5. Virendra Sahni, S/o Late Baiju Sahni 6. Shatrudhan Sahni, S/o Akshay Lal Sahni 7. Rajmangal Sahni, S/o Rameshwar Sahni 8. Upendra Sahni, S/o Late Baiju Sahni 9. Bhajan Sahni, S/o Late Maglu Sahni 10. Vinod Sahni, S/o Late Gajendra

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	Sahni All residents of Village–Ramvan, Tole– Godhiya, P.S.–Shyampur Bhataha, District–Sheohar.
REPRESENTED BY COMPLAINANT/ INFORMANT	Mr. Suresh Roy, Learned Public Prosecutor. Mr. Ajay Kumar, Learned Advocate.
REPRESENTED BY ACCUSED PERSONS	Mr. Amlesh Kumar Anjani, Learned Advocate.

FORM-B

Date of Offence	10-03-2021
Date of F. I. R.	11-03-2021
Date of Charge sheet	Charge Sheet No. 54/2022 dated 28-03-2022
Date of Cognizance	18-07-2022
Date of Framing Charges	12-06-2023
Date of Commencement of Evidence	23-09-2023
Date of which judgment is reserved	02-02-2026
Date of judgment	09-03-2026
Date of the Sentencing order, if any	NA

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.	Somari Devi	-	-	U/s-147, 307/149, 323/149, 341/149, 342/149, 504/149, 325/149 I.P.C.	Acquitted		
02.	Uma Shankar Sahni @ Uma Sahni	-	-				
03.	Mahesh Sahni	-	-				
04.	Sanjeet Kumar @ Sanjeet Sahni	-	-				
05.	Virendra Sahni	-	-				
06.	Shatrudhan Sahni	-	-				
07.	Rajmangal Sahni	25-10-2021	03-11-2021				

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08.	Upendra Sahni	-	-				
09.	Bhajan Sahni	-	-				
10.	Vinod Sahni	21-09-2021	09-10-2021				

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.	Sahansa Devi	Prosecution Witness -01
02.	Lalpari Devi	Prosecution Witness -02 (Hostile Witness)
03.	Shivji Sahni	Prosecution Witness-03 (Hostile Witness)
04.	Umesh Sahni	Prosecution Witness-04 (Informant, Hostile Witness)
05.	Chandan Sahni	Prosecution Witness-05 (Investigating Officer)
06.	Chunchun Kumari	Prosecution Witness- 06
07.	Geeta Devi	Prosecution Witness-07
08.	Rintu Kumari @ Renu Kumari	Prosecution Witness-08

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)
&	&	&

LIST OF PROSECUTION/DEFENCE/COURTS EXHIBITS

A. PROSECUTION;-

SR. NO.	EXHIBIT NUMBER	DESCRIPTION
01.	Exhibit-01	Signature of Umesh Sahni on the written application.
02.	Exhibit-01/1	Endorsement made on the written application of Umesh Sahni.
03.	Exhibit-02	Formal First Information Report of Shyampur Bhataha P.S. Case No. 42/2021.

B. DEFENCE ;

SR. NO.	EXHIBIT NUMBER	DESCRIPTION
&	&	&

C. COURT EXHIBITS ; NIL

SR. NO.	EXHIBIT NUMBER	DESCRIPTION
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D. MATERIAL OBJECTS ;		
SR. NO.	MATERIAL OBJECT NUMBER	DESCRIPTION
&	&	&

JUDGMENT

1. In the instant case, a total of ten accused persons, namely:(1) Somari Devi, (2) Uma Shankar Sahni @ Uma Sahni (3)Mahesh Sahni, (4) Sanjeet Kumar @ Sanjeet Sahni, (5) Virendra Sahni, (6) Shatrudhan Sahni, (7) Raj Mangal Sahni, (8)Upendra Sahni,(9) Bhajan Sahni,and (10) Vinod Sahni have been put on trial for offences punishable under Sections 147, 307/149, 323/149, 341/149, 342/149, 504/149, and 325/149 of the Indian Penal Code.

2. The brief fact of the prosecution case is that the informant, Umesh Sahni, was sleeping in his house. In the meantime, Uma Sahni, Sanjeet Sahni, Virendra Sahni, Upendra Sahni, Bhajan Sahni, Mahesh Sahni, Vinod Sahni, Somari Devi, Shatrudhan Sahni, and Rajmangal Sahni, all in furtherance of their common intention, entered the house of the informant and assaulted the informant and his daughter Chunchun Kumari, and also misbehaved with them. During the occurrence, they snatched a gold chain from the neck of the informant's

daughter. It is further alleged that when the informant's nephew Shivji Sahni intervened, Virendra Sahni assaulted him with a sword, causing injury upon his head. Uma Sahni also assaulted with a stick, as a result of which the finger of the informant's sister-in-law Geeta Devi was fractured. In the meantime, Rajmangal Sahni and Sanjeet Sahni arrived run to the place of occurrence carrying firearms, and Rajmangal Sahni ordered to fire. It is alleged that the root cause of the aforesaid quarrel and assault is Virendra Sahni, Uma Sahni, and Sanjeet Sahni. Virendra Sahni had previously undergone imprisonment in connection with a Naxalite case. The accused Virendra Sahni is also alleged to have threatened the informant by saying that if he did not obey him, he would kill him. The informant has further stated that the occurrence took place on 10.03.2021 at about 06:30 a.m. The informant has further stated that if Rupalal Sahni had not intervened and saved them, they would have been killed. Upendra Sahni and Sanjeet Sahni had thrown the informant on the ground and pressed his chest and neck with their feet, due to which the informant was gasping for breath. On the basis of the aforesaid allegations, the present case has been registered.

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3. On the basis of the written application of the informant, Shyampur Bhataha P.S. Case No. 42/2021 dated 11.03.2021 was registered under Sections 147, 149, 323, 324, 307, 448, 379 and 504 of the Indian Penal Code, and investigation was taken up. After completion of the investigation, the Investigating Officer, in compliance with the order of the superior officer, submitted Charge Sheet No. 54/2022 dated 28.03.2022 against all the named accused persons of the FIR, namely: 1. Somari Devi, 2. Uma Shankar Sahni @ Uma Sahni, 3. Mahesh Sahni, 4. Sanjeet Kumar @ Sanjeet Sahni, 5. Virendra Sahni, 6. Shatrudhan Sahni, 7. Raj Mangal Sahni, 8. Upendra Sahni, 9. Bhajan Sahni, and 10. Vinod Sahni under Sections 147, 149, 323, 325, 341, 342, 307 and 504 of the Indian Penal Code, before the Court. Thereafter, the learned Additional Chief Judicial Magistrate-I, Sheohar, upon perusal of the First Information Report, the charge-sheet and the case diary, and upon finding a prima facie case against all the aforesaid ten accused persons—namely Somari Devi, Uma Shankar Sahni @ Uma Sahni, Mahesh Sahni, Sanjeet Kumar @ Sanjeet Sahni, Virendra Sahni, Shatrudhan Sahni, Raj Mangal Sahni, Upendra Sahni, Bhajan Sahni and Vinod Sahni

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—took cognizance of the offence under Sections 147, 149, 323, 325, 341, 342, 307 and 504 of the Indian Penal Code on 18.07.2022. Subsequently, on 01.05.2023, the case records relating to the present case were committed to the Court of the learned District & Sessions Judge, Sheohar. Thereafter, the learned District & Sessions Judge framed charges on 12.06.2023 against all the aforesaid ten accused persons under Sections 147, 307/149, 323/149, 341/149, 342/149, 504/149 and 325/149 of the Indian Penal Code.

04. In this case, charge under Sections 147, 307/149, 323/149, 341/149, 342/149, 504/149 and 325/149 of the Indian Penal Code was framed against the above-named ten accused persons, namely:- 1. Somari Devi, 2. Uma Shankar Sahni @ Uma Sahni 3. Mahesh Sahni, 4. Sanjeet Kumar @ Sanjeet Sahni, 5. Virendra Sahni, 6. Shatrudhan Sahni, 7. Raj Mangal Sahni, 8. Upendra Sahni, 9. Bhajan Sahni and Vinod Sahni. The charges were read over and explained to them in Hindi, to which all the ten accused persons pleaded not guilty and claimed to be tried.

5. The statements of the accused persons, namely, (1) Somari Devi, (2) Uma Shankar Sahni @ Uma Sahni, (3) Mahesh Sahni, (4) Sanjeet Kumar @ Sanjeet Sahni, (5) Virendra Sahni, (6) Shatrudhan Sahni, (7) Raj Mangal Sahni, (8) Upendra Sahni, (9) Bhajan Sahni and (10) Vinod Sahni were recorded under Section 313 of the Code of Criminal Procedure on 13.01.2026. In their statements, all the aforesaid accused persons denied the occurrence and stated that they have been falsely implicated in the present case, claiming themselves to be innocent.

6. The principal question for consideration before the Court is whether the prosecution has succeeded in proving, by reliable and cogent evidence and beyond reasonable doubt, all the charges framed against the aforesaid ten accused persons, or not.

7. On behalf of the prosecution, in support of its case, out of the total seven witnesses mentioned in Column No. 13 of the charge-sheet, the prosecution has examined all the said witnesses and one additional witness, i.e., in total eight witnesses have been examined. The prosecution witnesses are: P.W.–01 Sahana Devi; P.W.–02 Lalpari Devi (hostile witness);

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P.W.–03 Shivji Sahni (hostile witness); P.W.–04 Umesh Sahni (informant, hostile witness); P.W.–05 Chandan Kumar (Investigating Officer); P.W.–06 Chunchun Kumari; P.W.–07 Geeta Devi; and P.W.–08 Rintu Kumari @ Renu Kumari.

8. 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 Umesh Sahni on the written application.
02.	Exhibit–01/1	Endorsement made on the written application of Umesh Sahni.
03.	Exhibit–02	Formal First Information Report of Shyampur Bhataha P.S. Case No. 42/2021.

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

9. Deposition of Prosecution Witness No. 01 – Sahansa Devi.

In her examination-in-chief on solemn affirmation, she has stated that the occurrence took place about two and a half years ago at about 06:30 A.M. in the morning. At that time she was sleeping in her house. Uma Sahni, Sanjit Sahni, Virendra Sahni, Upendra Sahni, Rajmangal Sahni, Vinod Sahni, Bhajan Sahni, Mahesh Sahni, Shatrudhan Sahni and Somari Devi came together forming an unlawful assembly at about 06:30 A.M., armed with lathi-danda and other weapons, forcibly entered her house and assaulted her, Umesh Sahni and Chunchun Kumari,

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causing them to fall unconscious. It is further stated that Uma Sahni snatched a gold necklace from the neck of Chunchun Kumari. On hearing the alarm, the neighbours Geeta Devi and Shivji Sahni arrived there. The accused persons broke the hand of Geeta Devi and caused injury on the head of Shivji Sahni. When the hue and cry increased, Rup Lal Sahni and Rajkumari Devi also reached there and when many people assembled, their lives were saved. She has stated that she can identify the accused persons.

In her cross-examination on behalf of the accused persons, the witness has stated that the accused persons are neither her relatives nor pattidars but are villagers. There had been prior disputes between her and the accused persons and the accused persons had also filed a case against her husband. The distance of the police station from her house is about two to three kilometres. At the time of the occurrence it was dark and the assailants had covered their faces, therefore she did not identify the persons committing the occurrence with her own eyes and she disclosed their names as told by others, though she does not remember the name of the person who told her. She has further stated that the case has now been compromised

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amicably between her and all the accused persons and a compromise petition bearing her signature has been filed before the Court. The counter case between the parties, which is also pending before this Court, has likewise been compromised. She has further stated that the Investigating Officer did not record her statement and that the accused persons present in Court had not committed any occurrence with her.

10. Prosecution Witness No. 02 – Lalpari Devi (Hostile Witness):

In her examination-in-chief, the witness stated on oath that she does not know anything about the occurrence. She further stated that her statement was not recorded by the police.

On the request of the prosecution, the witness was declared hostile.

She denied the suggestion that she had given a statement before the police stating that on 10.03.2021 at about 6:30 a.m. Umesh Sahni was sleeping in his house when Uma Sahni, Sanjeet Sahni, Virendra Sahni, Upendra Sahni, Bhajan Sahni, Mahesh Sahni, Vinod Sahni, Somari Devi, Shatrudhan Sahni

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and Ram Mangal Sahni came abusing and started assaulting Umesh Sahni and Virendra Sahni assaulted Shivji Sahni with a sword on his head causing injury Uma Sahni broke the hand of Geeta Devi with a lathi, Sangsa Devi's finger was torn; that Rupalal Sahni was also assaulted and injured Chunchun Kumari sustained injury on her cheek. She also denied the suggestion that she had identified the accused persons or that she was concealing the truth of the occurrence in collusion with the accused and giving a false statement.

In cross-examination by the defence, the witness stated that she is giving her statement voluntarily today. She further stated that the accused persons are villagers and, therefore, she knows and identified them.

11. Prosecution Witness No. 03 – Shivji Sahni (Declared Hostile Witness): In his examination-in-chief, this witness has deposed on oath that he does not know anything about the occurrence and that his statement was never recorded before the police.

On the prayer of the prosecution, this witness was declared hostile.

In his cross-examination by the prosecution, the witness has stated that it is not correct that he had not given any statement before the police or that he had not stated that on 10.03.2021 at about 6:30 A.M., upon hearing alarm and noise, he went to the house of Umesh Sahni where he saw Uma Sahni, Sanjeet Sahni, Vinod Sahni, Upendra Sahni, Bhajan Sahni, Mahesh Sahni, Shatrudhan Sahni, Ram Mangal Sahni, Virendra Sahni and Somari Devi assaulting Umesh Sahni and his daughter and wife. He further stated that when he intervened to rescue them, he also sustained injuries.

In his cross-examination by the defence, the witness has stated that he is giving his statement voluntarily today and that the accused persons are villagers, therefore he knows them.

12. PW-4, Umesh Sahni (informant, declared hostile witness), has stated in his examination-in-chief on oath that he is the informant of this case. He has deposed that the occurrence took place about three years ago at about 6:00 p.m. when he along with his family members and children was present in his house. At that time about 8-10 persons came with their faces covered and assaulted him, his wife Sanjha Devi, his son Arjun Kumar, his nephew Shivji Sahni, his

daughter Chunchun Kumari and his sister-in-law Geeta Devi. In connection with the said occurrence he had submitted a written application at Shyampur Bhatha Police Station, on which he had put his signature. He does not remember who wrote the said application. He identified his signature on the said written application. He further stated that he had not given any statement before the Investigating Officer.

On the prayer of the prosecution, this witness was declared hostile.

In his cross-examination by the prosecution, the witness has stated that it is not correct to say that he had earlier given a statement before the police to the effect that Uma Sahni, Sanjit Sahni, Virendra Sahni, Upendra Sahni, Bhajan Sahni, Mahesh Sahni, Vinod Sahni, Somari Devi, Shatrudhan Sahni and Ramangal Sahni had entered his house and assaulted him and his family members. He has further stated that he knows the accused persons but it is not correct to say that he has falsely resiled from his earlier statement after compromising with the accused persons or that he is concealing the truth of the occurrence and deposing falsely.

In his cross-examination on behalf of the defence, the witness has stated that the persons who committed the occurrence had covered their faces and therefore he could not identify any of them. Till date he has not come to know who actually committed the occurrence. He has further stated that the accused persons are villagers and therefore he knows them. He has also stated that he has amicably compromised the case with the accused persons and a compromise petition and permission petition have been filed before the Court, on which he has put his signature. He further stated that a counter-case relating to the present occurrence is also pending before this Court and the same has also been compromised.

13. PW-5, Chandan Kumar (Investigating Officer of the present case), has stated in his examination-in-chief on oath that on 11.03.2021 he was posted as Sub-Inspector of Police at Shyampur Bhatha Police Station. He has deposed that the present Shyampur Bhatha P.S. Case No. 42 of 2021 is a computerized First Information Report which was typed on the computer of the police station and thereafter printed through the printer, bearing the signature of the then Station House Officer Vijay Kumar Yadav, which he identifies. He has further

stated that the endorsement on the written application of Umesh Sahni is in the handwriting and signature of the then Station House Officer Vijay Kumar Yadav, which he identifies, and the said endorsement has been marked as Exhibit-1/1. He has further deposed that the then Station House Officer entrusted him with the investigation of Shyampur Bhatia P.S. Case No. 42 of 2021 and he commenced the investigation. He entered the written application of Umesh Sahni in the case diary and proceeded to village Ramvan Godhiya Tola along with armed force, where he recorded the further statement of the informant. He also recorded the statements of witnesses Sahansha Devi and Shivji Sahni who supported the occurrence. He inspected the place of occurrence, which is the house of the informant where the accused persons allegedly assaulted the victims. The boundaries of the place of occurrence are: to the north, the asbestos house of Usha Devi; to the south, the fallow land of Sukeshwar Sahni; to the east, the brick and asbestos house of the informant; and to the west, a pucca road leading from Ramvan Godhiya Tola towards Phulkaha, across which lies the courtyard and house of accused Sanjit Sahni. During investigation he received the injury reports of Geeta Devi,

Chunchun Kumari, Sahansha Devi, Shivji Sahni, Renu Kumari and Umesh Sahni. He further recorded the statements of witnesses Sukeshwar Sahni and Lalkumari, who supported the occurrence, and also received the supervision note of the Sub-Divisional Police Officer. He arrested accused Ramangal Sahni and recorded his confessional statement and forwarded him to the Court. After completion of investigation and on receipt of the final order, he submitted charge-sheet No. 54/2022 dated 28.03.2022 against the accused Uma Sahni, Sanjit Sahni, Virendra Sahni, Upendra Sahni, Bhajan Sahni, Mahesh Sahni, Vinod Sahni, Somari Devi, Shatrudhan Sahni and Ramangal Sahni under Sections 147, 149, 323, 325, 341, 342, 307 and 504 of the Indian Penal Code. He has further stated that during investigation he recorded the statements of witnesses Lalpari Devi, Shivji Sahni and Umesh Sahni, who supported the occurrence. Witness Lalpari Devi stated before him that on 10.03.2021 at about 6:00 a.m., when Umesh Sahni was sleeping in his house, Uma Sahni, Sanjit Sahni, Virendra Sahni, Upendra Sahni, Bhajan Sahni, Mahesh Sahni, Vinod Sahni, Somari Devi, Shatrudhan Sahni and Ramangal Sahni came abusing and started assaulting Umesh Sahni. Virendra Sahni

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assaulted Shivji Sahni on the head with a sword causing a head injury, Uma Sahni broke the hand of Geeta Devi with a lathi, Sahansha Devi's finger was injured, Rupalal Sahni was assaulted and injured and Chunchun Kumari sustained injury on her cheek. Witness Shivji Sahni had stated that all the accused persons together assaulted the wife and daughter of Umesh Sahni and when he intervened he was also assaulted. Witness Lalpari Devi had further stated that on the said date and time the accused persons entered the house and assaulted her and other family members.

In his cross-examination on behalf of the defence, the witness has stated that he did not find any blood fallen at the place of occurrence and he did not prepare any sketch map of the place of occurrence. He further stated that the statements of Geeta Devi, Chunchun Kumari and Renu Kumari were not recorded during the course of investigation. He admitted that though the arrested accused Ramangal Sahni was medically examined, the same was not entered in the case diary. He has further stated that he did not find any criminal antecedent of the accused persons and denied the suggestion that the investigation conducted by him was defective.

14. PW-06 – Chun Chun Kumari has stated in her examination-in-chief on oath that the occurrence took place about four years ago in the morning. She was sleeping at that time. Some persons came with their faces covered and assaulted her. She was beaten and her treatment was done at Shivhar Hospital. She has further stated that she identifies the accused persons.

In her cross-examination by the defence, this witness has stated that she cannot identify the persons who committed the occurrence. Till today she does not know who had assaulted her. The police had not recorded her statement. The accused persons are villagers and, therefore, she knows them.

15. PW-07 – Geeta Devi has stated in her examination-in-chief on oath that the occurrence took place about four years ago at about 6:00 A.M. in the morning. At the door of Umesh Sahni, a quarrel was going on between Umesh Sahni and Uma Sahni. On hearing the alarm, when she went there, she also sustained an injury on her finger during the assault. She has further stated that she could not identify who had assaulted her. However, she stated that she identifies the accused persons.

In her cross-examination by the defence, this witness has stated that the accused persons are villagers and, therefore, she knows them. She has further stated that the police had never made any inquiry from her.

16. Prosecution Witness No. 08, Rintu Kumari @ Renu Kumari, has stated in her examination-in-chief on oath that the occurrence took place about four and a half years ago. She deposed that the head of her mother was broken and both she and her mother had received minor injuries. She further stated that their treatment was done at Shivhar. She claimed to identify the accused persons and stated that accused Mahesh Sahni and Sandeep Sahni were present in Court on that day.

In her cross-examination conducted on behalf of the defence, this witness stated that the persons who committed the occurrence had their faces covered. She further stated that she did not identify any of the persons who committed the occurrence and that till date she does not know who had committed the incident. She also stated that Mahesh Sahni and Sandeep Sahni are villagers of her village and therefore she knows them. She further deposed that the persons who

committed the occurrence were not from her village and that the police had not recorded her statement.

17. In the present case, during the course of arguments, the learned counsel for the defence has contended that out of the total eight witnesses examined by the prosecution before this Court, three witnesses, namely P.W.02 Lalpari Devi, P.W.03 Shivji Sahni and P.W.04 Umesh Sahni, (who is the informant) and material witnesses of the present case, have been declared hostile by the prosecution and none of them have supported the prosecution case regarding the occurrence. It has further been argued that there exists a case and counter-case between the parties and in the present case as well as in the counter case, the parties have already arrived at a compromise and settlement, which has been confirmed by the informant P.W.04 Umesh Sahni as well as by other prosecution witnesses. It has also been submitted that the other witnesses examined in this case have stated in their evidence that the persons committing the occurrence had covered their faces and therefore they were unable to identify them. It is further argued that despite sufficient time and opportunity having been granted, the prosecution has failed to examine the doctor, who was an

important witness, though the injury reports of the injured persons are available on the record of the case diary and the doctor has found the nature of injuries to be simple in nature. Thus, according to the defence, the prosecution has completely failed to prove the charges levelled against the accused persons beyond reasonable doubt and, therefore, it has been prayed that all the accused persons be given the benefit of doubt and be acquitted from the charges in the present case.

18. On behalf of the prosecution, the learned Public Prosecutor submitted that there exists a dispute and counter-dispute between both the parties. It was further argued that the witnesses have not disputed regarding presence of accused person on the spot. P.W. 01 has supported the prosecution case and commission of offence by accused persons.

19. Having heard the arguments of both the parties and upon perusal of the evidence and materials available on record, as well as the statements of the witnesses produced by the prosecution, it appears that out of the total eight witnesses examined in the Court by the prosecution, three witnesses, namely P.W.-02 Lalpari Devi, P.W.-03 Shivji Sahni and P.W.-04 Umesh Sahni (who is the informants of the present case)

were declared hostile by the prosecution and these three witnesses did not support the prosecution case regarding the occurrence. It further transpires that there exists a case and counter-case between both the parties and even in the present case as well as in the counter-case, the parties have arrived at an amicable settlement and compromise, which has been affirmed in the evidence by the informant of the present case, (P.W.-04 Umesh Sahni) as well as by other prosecution witnesses. The other witnesses examined in the present case have also stated in their respective testimonies that the persons involved in the occurrence had covered their faces and, therefore, they were unable to identify them.

P.W.-01 Sahansa Devi, in her examination-in-chief, mainly supported the occurrence and stated that she had identified the accused persons. However, in her cross-examination, this witness stated that there had been a prior dispute between her and the accused persons and that the accused persons had also instituted a case against her husband (the informant of the present case, P.W.-04 Umesh Sahni). She further deposed that at the time of the occurrence it was dark and the persons committing the occurrence had covered their

faces. She admitted that she had not identified the persons committing the occurrence with her own eyes and that she had mentioned the names of the accused persons on the basis of what others had told her. She further stated that she does not remember the name of the person who had told her about the names of the assailants. She also deposed that the case has been amicably compromised with all the accused persons and that the counter-case has also been settled. She further stated that the police had not recorded her statement and that the accused persons present in the Court had not committed any occurrence with her.

P.W.-04 Umesh Sahni, who is the informant of the present case, was also declared hostile by the prosecution. In his examination-in-chief, this witness mainly identified his signature on the written application submitted in connection with the occurrence and, upon identifying his signature on the said application, the same was marked as Exhibit-1. He further stated that he had not given any statement to the Investigating Officer. However, in his cross-examination by the defence, this informant witness clearly stated that he had not identified any person among those who committed the occurrence and that till

date he does not know as to who had committed the alleged occurrence. He further deposed that an amicable settlement and compromise had taken place between him and the accused persons in the present case as well as in the counter-case and that a compromise petition and permission petition had also been filed. He further stated that he knew the accused persons as they are residents of the same village.

P.W.-05 Chandan Kumar, who is the Investigating Officer of the present case, stated in his examination-in-chief that he identified the signature of the then Officer-in-Charge, Vijay Kumar Yadav, on the formal First Information Report, which was marked as Exhibit-2. He also identified the endorsement made by the then Officer-in-Charge, Vijay Kumar Yadav, on the First Information Report, which was marked as Exhibit-1/1. He further deposed that during the course of investigation he recorded the statements of the witnesses, inspected the place of occurrence and described its boundaries, obtained the injury report, received the supervision note of the superior officer and submitted the charge-sheet in the case. However, in his cross-examination by the defence, he stated that he did not find any blood fallen at the place of occurrence,

that he had not prepared the sketch map of the place of occurrence and that he did not find any criminal antecedent of the accused persons.

P.W.-06 Chunchun Kumari, in her examination-in-chief, mainly stated that the occurrence had taken place about four years ago in the morning when some persons came with their faces covered and assaulted them. She further deposed that she had received treatment at Shivhar Hospital and that she had identified the accused persons. However, in her cross-examination, she stated that she could not identify the persons who had committed the occurrence and that till date she does not know who had assaulted them. She further stated that the police had not recorded her statement and that she knew the accused persons only because they are residents of the same village.

P.W.-07 Geeta Devi, in her examination-in-chief, mainly stated that the occurrence had taken place about four years ago at about 6:00 A.M. at the door of Umesh Sahni (the informant), where a quarrel was taking place between Umesh Sahni and Uma Sahni. Upon hearing the alarm, she went there and sustained an injury on her finger. She further stated that she

could not identify who had assaulted her. However, in her cross-examination, she stated that the police had never interrogated her and that she knew the accused persons only because they are residents of the same village.

P.W.-08 Rintu Kumari @ Renu Kumari, in her examination-in-chief, mainly stated that the occurrence had taken place about four and a half years ago and that she and her mother had sustained minor injuries, and both had received treatment at Shivhar. She further stated that she had identified the accused persons present in the Court. However, in her cross-examination, she clearly stated that the persons who committed the occurrence had covered their faces and that she could not identify them. She further stated that till date she does not know who had committed the occurrence and that the persons committing the occurrence were not residents of her village. She also stated that she had not given any statement before the police.

20. Upon consideration of the aforesaid evidence, this Court arrives at the conclusion that all the above ten accused persons in the present trial, namely (1) Somari Devi, (2) Uma Shankar Sahni @ Uma Sahni, (3) Mahesh Sahni, (4) Sanjeet Kumar @ Sanjeet Sahni, (5) Virendra Sahni, (6) Shatrudhan Sahni, (7) Raj Mangal Sahni, (8) Upendra Sahni, (9) Bhajan Sahni and (10) Vinod Sahni, have not committed the alleged occurrence. The prosecution has failed to prove the charges levelled against all the aforesaid ten accused persons beyond reasonable doubt. Accordingly, the following order is passed:-

ORDER

21. All the above named ten accused persons, namely (1) Somari Devi, (2) Uma Shankar Sahni @ Uma Sahni, (3) Mahesh Sahni, (4) Sanjeet Kumar @ Sanjeet Sahni, (5) Virendra Sahni, (6) Shatrudhan Sahni, (7) Raj Mangal Sahni, (8) Upendra Sahni, (9) Bhajan Sahni and (10) Vinod Sahni, are hereby acquitted by this Court of the charges under Sections 147, 307/149, 323/149, 341/149, 342/149, 504/149 and 325/149 of the Indian Penal Code. They are set at liberty and

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they as well as their bailors are discharged from the liabilities of their bail bonds.

The judgment having been written, corrected and signed by me is pronounced in the open Court today on 09.03.2026.

Written and corrected by me.

Sd/-

(Deepak Kumar)
Principal Sessions Judge,
Sheohar
Dated: 09.03.2026

Sd/-

(Deepak Kumar)
Principal Sessions Judge,
Sheohar
Dated: 09.03.2026

Date of Judgment	09.03.2026
Date of Reserving Judgment	02.02.2026
Uploading Date	09.03.2026
Uploaded By	Suraj Kumar, (D.E.O)