

FORM A

In the court of Sri Neeraj Kishore, District & Additional Sessions Judge-Ist-cum Spl. Judge SC/ST Sheikhpura.	
[Date of the Judgment]	
25 th Day of April 2026	
[Case No:- SC/ST Case No. 33/2018]	
(Detail of FIR/Crime and Police Station)	
SC/ST P.S. Case No. 12/2018 (U/s 323, 341, 504, 506/34 IPC r/w & Sec. 3 (2)(va), 3(r)(s) of SC/ST Act)	
Informant	STATE OF BIHAR THROUGH Deena Dhandhi (Informant).
REPRESENTED BY	Sri Chandramauleshwar Prasad Ld. Spl. P.P.
ACCUSED	1. Dhananjay Singh, aged about 40 years S/o Deena Singh @ Dinesh Singh 2. Shivam Kumar, aged about 28 years S/o Anil Singh 3. Matukan Singh aged 33 about years S/o Chando Singh 4. Kanhaiya Kumar, aged about 25 years S/o Murari Singh All R/o Vill- Kamta, P.S- Hathiyawan O.P., Dist- Sheikhpura
REPRESENTED BY	Sri Gpoal Kumar, Advocate.

FORM B

Date of Offence	02.03.2018
Date of FIR	03.03.2018
Date of Charge-Sheet	28.07.2018
Date of Framing of Charges	11.09.2019
Date of commencement of evidence	21.11.2019
Date on which judgment is reserved	20.04.2026
Date of the Judgment	25.04.2026
Date of Sentencing Order, if any	

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release or Bail	Offences charged with	Whether Acquitted or	Sentence Imposed	Period of Detention Undergo
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					convicted		ne during Trial for purpose of Section 428, Cr.P.C.
A-1	Dhananjay Singh	17.07.2018	17.07.2018	323, 341, 504, 506/34 of IPC r/w Sec. 3(1)(r) (s), 3(2) (va) of SC/ST Act.	Acquitted		
A-2	Shivam Kumar	17.07.2018	17.07.2018	323, 341, 504, 506/34 of IPC r/w Sec. 3(1)(r) (s), 3(2) (va) of SC/ST Act.	Acquitted		
A-3	Matukan Singh	17.07.2018	17.07.2018	323, 341, 504, 506/34 of IPC r/w Sec. 3(1)(r) (s), 3(2) (va) of SC/ST Act.	Acquitted		
A-4	Kanhaiya Kumar	18.07.2018	18.07.2018	323, 341, 504, 506/34 of IPC r/w Sec. 3(1)(r) (s), 3(2) (va) of SC/ST Act.	Acquitted		

J U D G M E N T

1. In this case, all the four accused Dhananjay Singh (A1), Shivam Kumar

(A2) Matukan Singh (A3) and Kanhaiya Kumar (A4) are facing trial for committing offences u/s 323, 341, 504, 506/34 of IPC r/w Sec. 3(1)(r)(s), 3(2)(va) of SC/ST Act.

2. In brief the prosecution case as per the written report of the informant Deena Dhandhi is that on 02.03.2018 at about 06:00 PM, accused Dhananjay Singh, Shivam Kumar, Kanhaiya Singh and Matukan Singh came at his house and vigorously knocked his doors and also abused him on his caste line and asked him to come out. When the informant came out of his house the accused took him to the dalan of Dhananjay Singh and not only abused him, but also asked him to leave the village as the accused already had forced his brother to flee from the village. It is alleged that the informant was assaulted by fat, fist and leg and was threatened to leave the village else he would be murdered. It is further case of the prosecution that the accused also assaulted his wife and daughter-in-law.

On the basis of the written report of the informant, SHO P.S. SC/ST, Sheikhpura lodged formal FIR vide SC/ST P.S. Case No. 12 of 2018 dated 03.03.2018 u/s 323, 341, 504, 506/34 of IPC r/w Sec. 3 (1)(r)(s), 3(2)(va) of SC/ST Act. Upon completion of investigation, police submitted Charge-Sheet against all the accused and the Id. Spl. Judge took cognizance for the commission of offence u/s 323, 341, 504, 506/34 of IPC r/w Sec. 3 (1)(r)(s), 3(2)(va) of SC/ST Act against all the four accused and the accused were summoned to face trial.

4. On 11.09.2019 charges under Section 323, 341, 504, 506/34 of IPC r/w Sec. 3(1)(r)(s), 3(2)(va) of SC/ST Act were framed against all the four accused Dhananjay Singh (A1), Shivam Kumar (A2) Matukan Singh (A3) and Kanhaiya Kumar (A4) and the contents of the charges were explained to the accused in Hindi to which the accused pleaded not guilty and claimed to be tried.

5. Now the only question remains whether the prosecution has been able to prove its case beyond all reasonable doubts or not?

6. In order to prove its case the prosecution sought to examine seven witnesses, but has examined 06 witnesses. These are:-

P.W.-01 Chinta Devi

P.W.-02 Deena Dhandhi (Informant)

P.W.-03 Jhalo Devi

P.W.- 04 Punam Devi (The wife of informant)

P.W.- 05 Chandani Kumari (The daughter of informant)

P.W.- 06 Prabhakar Kumar (Driver of I.O.)

The prosecution has also relied on certain documentary evidences in support of its case which has been duly proved and exhibited during trial. These are:-

Exhibit -1 - Signature of informant Deena Dhandhi on the written report

The defence has neither tendered any oral evidence nor has proved and exhibited any documentary evidence in rebuttal.

7. All the four accused were examined u/s 313 Cr.P.C. and the incriminating evidences against the accused were explained to the accused in Hindi to which the accused pleaded their innocence.

FINDINGS

8. PW-1 Chinta Devi has not supported the prosecution case and has stated that she does not know anything about the occurrence and police did not record her statement. P.W. 1 was declared hostile by the prosecution.

In her cross-examination by the prosecution P.W. 1 has denied the suggestion that she has deposed falsely in collusion with the accused. P.W. 1 has identified the accused in the dock.

In her cross-examination by the defence P.W. 1 has stated that she has deposed on her own free will and volition and without any force, fraud or coercion.

PW-2 Deena Dhandhi has stated that the occurrence took place in the year 2018 at about 06:00 PM when he was inside his house when accused Dhananjay Singh, Shivkumar Singh, Matukan Singh and Kanhaiya Singh came and pelted stones at his house. P.W. 2 has stated that when he opened the doors, the accused caught hold of him and took him to the dalan of Dhananjay Singh and assaulted him by fat, fist and leg and also asked him to vacate the village else he would be shot. P.W. 2 has stated that accused Shivkumar Singh and Dhananjay Singh abused him by his caste. P.W. 2 has stated that when his wife came to save him accused Dhananjay Singh and Shivkumar Singh pushed her and gave two leg blows. P.W. 2 has identified his signature on the written report which has been exhibited as Ext. 1. P.W. 2 has identified the accused in dock.

In his cross-examination by the defence PW-2 has stated that the accused had instituted a case against his brother for vacating the gair-

majarua land. P.W 2 has stated that he has studied till class-xth. The occurrence took place on 02.03.2018 and the FIR was lodged on 03.03.2018 and he has not given any explanation about the delay in lodging the FIR. P.W. 2 has stated that he has enmity with the brother of accused Dhananjay Singh and he has lodged two cases against him. P.W. 2 has stated that police did not record his statement after lodging of FIR. P.W. 2 has stated that he did not go for treatment at any hospital. P.W. 2 has stated that the occurrence took place at 06:00 PM and at that time, it was dark. P.W. 2 has stated that he cannot say that when Dy. S.P. went in the village, the villagers and the witnesses of the FIR stated that he has lodged false case and no occurrence took place on 02.03.2018 as alleged by him.

PW-3 Jhalo Devi has not supported the prosecution case and has stated that she does not know anything about the occurrence and police did not record her statement. P.W. 3 has claimed to identify the accused. P.W. 3 was declared hostile by the prosecution.

In her cross-examination by the prosecution, P.W. 3 has denied the suggestion that she recorded her statement before the police and supported the prosecution case.

In her cross-examination by the defence P.W. 3 has stated that she has deposed on her own free will and volition and without any force, fraud or coercion.

PW-4 Punam Devi has stated that the occurrence took place around three year ago at about 06:00 PM when accused Dhananjay Singh, Shivam, Matukan and Kanhaiya Kumar were knocking her doors and when she objected, accused Dhananjay Singh, Shivam, Matukan and Kanhaiya assaulted her husband by fat, fist and leg. P.W. 4 has stated that the accused also assaulted her when she objected and also abused her by her caste. P.W. 4 has stated that accused assaulted at the nose of her husband causing bleeding. P.W. 4 has claimed to identify the accused in the dock.

In her cross-examination by the defence PW 4 has stated that the accused hail from her village as such she identified them. P.W. 4 has stated that she does not know that the accused have lodged a case against her husband to vacate the gair-majarua land. P.W. 4 has stated that when the accused were knocking the doors she was inside the house. P.W. 4 has stated that the occurrence took place inside the house and Jhalo Devi and Chinta Devi are her neighbors and had come to save her. P.W. 4 has stated that

police did not record her statement. P.W. 4 has stated that the accused did not commit any offence with her and with her husband rather the dispute was with her brother-in-law.

PW- 5 Chandani Kumari has stated that the occurrence took place around five years ago at about 06:00 PM when she was at her home. P.W. 5 has stated that accused Shivkumar Singh, Dhananjay and Kanhaiya came and knocked her doors on which her father opened the door and asked as to why were knocking the doors. P.W. 5 has stated that the accused abused her father at his caste line and took her father to the dalan of Dhananjay Singh and assaulted him. P.W. 5 has stated that the occurrence took place in her presence and the accused were armed with weapons. P.W. 5 has identified the accused in dock.

In her cross-examination by the defence PW 5 has stated that informant is her father and the accused had instituted a case before D.M. for vacating the gair-majarua land against her father. P.W. 5 has stated that at the time of occurrence, she as well as all her family members were inside the house and doors were locked. P.W. 5 has stated that due to knocking the bolt of the doors had broken which she showed to the police and police had recorded her statement.

PW- 6 Prabhakar Kumar has stated that at the time of occurrence he was posted as driver at P.S. SC/ST with the I.O. Ozair Ahmad Khan. P.W. 6 has stated that Para 1 to 26 of the case diary was recorded by Ozair Ahmad Khan in his own handwriting and signature which he identifies. P.W. 6 has stated that P.S.I. Ozair Ahmad Khan died around five years ago.

In his cross-examination by the defence PW 6 has stated that he could not say as to what were written in the case diary from Para 1 to 26 by the I.O. and the case diary was not written in his presence. P.W. 6 has denied the suggestion that he has wrongly identified the writing of Para 1 to 26 of the case diary.

9. It is the case of the prosecution that on 02.03.2018, at about 06:00 PM accused Dhananjay Singh, Shivam Kumar, Kanhaiya Singh and Murari Singh came at his house and started knocking it vigorously and also abused him on his caste line. It is alleged that when the informant opened his house, all the accused pulled him at the dalan of accused Dhananjay Singh and not only abused him, but also assaulted him by fat, fist and leg and also threatened to

leave the village else he would be eliminated.

The prosecution sought to prove its case by examining six witnesses out of which P.W. 1 and P.W. 3 have turned hostile and have not supported the prosecution case. P.W. 6 is a formal witness, as such the case of the prosecution mainly rest on the evidence of three witnesses P.W. 2, P.W. 4 and P.W. 5. P.W. 2 is the informant, P.W. 4 is the wife of the informant and P.W. 5 is the daughter of the informant. P.W. 4 and P.W. 5 are therefore interested witnesses as such the evidences tendered by P.W. 4 and P.W. 5 are required to be seen and examined carefully. P.W. 2, P.W. 4 and P.W. 5 were present in the room at the time of occurrence as such these three witnesses claim themselves to be eye-witnesses. P.W. 2 has stated in its evidence that the occurrence took place in the year 2018 at about 06:00 PM when he was inside the house when accused Dhananjay Singh, Shivam Kumar, Matukan Singh and Kanhaiya Singh came and started pelting bricks and stones at his house and when he opened the house the accused caught hold of him and took him to the dalan of accused Dhananjay Singh. P.W. 2 has stated that when they took him to the dalan, the accused assaulted him by fat, fist and leg and asked him to leave the village else he would be eliminated. P.W. 2 has stated that accused Shivam Kumar and Dhananjay Singh abused him on his caste line. P.W. 2 who is the informant, however, has not stated in its written report that on 02.03.2018 at about 06:00 PM accused Dhananjay Singh, Shivam Kumar, Kanhaiya Singh and Matukan Singh came and knocked the doors of his house and abused him on his caste line. There appears to be contradictions in the evidence of P.W. 2 before the Court and his statement before the police. In its evidence, the informant has stated that as soon as the accused came they started pelting stones and bricks at his house but the witness has not stated that the accused knocked the doors vigorously. In its statement before police, P.W. 2 who is the informant has not stated that the accused pelted stones and bricks at his doors. The P.W. 2 has also not stated in its evidence that as soon as the accused came, they abused and knocked the doors of this house, but before the police the informant has stated that when the accused came, they knocked the doors and also abused him on his caste line. There appears to be vital contradictions in the evidence of P.W. 2 who is the informant before the Court and before the police. P.W. 2 has further stated that the accused assaulted him after taking him to the dalan of accused Dhananjay Singh whereas in its written report the informant has stated that as soon as the accused came and he opened the doors the accused pulled him and

not only abused him, but also assaulted him. Here also there is vital contradictions in the evidence of P.W. 2 before the Court and before the police. It also transpires that the informant has leveled allegation of assault and abuse on his caste line by all the accused in its written report whereas in its evidence, the informant who examined himself as P.W. 2 has stated that only accused Dhananjay Singh and Shivam Kumar Singh abused him on his caste line. On this point also, there is contradictions in the evidence of the informant before the police and before the Court. P.W. 2 in its evidence before the Court has stated that when his wife came to save him accused Dhananjay and Shivam Kumar Singh pushed her on the ground and gave two leg blows whereas in its written report the informant has not stated about the allegation of assault by the accused. On this point also, there is contradictions in the evidence of P.W. 2 before the Court and before the police. P.W. 2 has further stated in its evidence that there is dispute of his brother with accused Dhananjay Singh and his family. P.W. 2 has stated that he did not receive any treatment. P.W. 2 has stated that the occurrence took place at about 06:00 PM and at that time it was dark. P.W. 2 has also not given any satisfactory reply to the question that before the Dy. S.P. the witnesses of the case diary stated that the informant had lodged a false case and had falsely implicated the accused and on 02.03.2018 no such occurrence as alleged by the informant took place. The evidences tendered by P.W. 2 has many loop holes and lacuna and does not appear to be trustworthy, credible and reliable. P.W. 4 who is the wife of the informant, however, stated that when the accused came they started knocking the doors and when she objected, all the accused assaulted her husband by lappar-thappar, fat and fist. P.W. 4 has although supported the written report on the point that the accused when came knocked the doors of the informant, however, this witness has contradicted the FIR by saying that when she objected to the said knocking of the doors the accused assaulted her husband. P.W. 2 neither in its evidence nor in its written report has stated in the way as stated by P.W. 4. On this point there appears to be contradictions in the evidence of P.W. 4 and P.W. 2. P.W. 4 has further stated that when she objected the accused not only abused her on her caste line but also assaulted her and threatened her to leave the village, however, neither the informant in its evidence nor in its written report has stated that when the accused came her wife was also assaulted and abused on her caste line when she objected as such there is contradictions in the evidence of P.W. 4 and P.W. 2 although both claim to be eye-witnesses. P.W. 4 has stated

in her evidence that her husband was assaulted by accused Dhananjay Singh at his nose causing bleeding from his nose whereas neither the informant in his evidence nor in his written report has stated about the assault on his nose by the accused. On this point also there is vital contradictions in the evidence of P.W. 2 and P.W. 4 who are eye-witnesses. P.W. 4 who claims to be an eye-witness has stated in her evidence that at the time of occurrence, she was inside the house and the occurrence took place inside the house. The evidence of P.W. 4 is in direct contradiction with the evidence of P.W. 2 as well as the written report where P.W. 2 who is the informant has stated that the accused came at his house, pulled him to the dalan of accused Dhananjay Singh and abused and assaulted him. P.W. 4 has also stated in her evidence that Jhalo Devi and Chinta Devi had come to save them, however, the said Jhalo Devi has examined herself as P.W. 3 and Chinta Devi has examined herself as P.W. 1 and have categorically denied the occurrence. On this point also, there appears to be contradiction. P.W. 4 has further stated in her evidence that “Mere Pati Aur Mere Sath Abhiyukt Ke Sath Koi Jhagra-Jhanjhat Nahi Hua Tha”. This statement of P.W. 4 who claims herself to be an eye-witness demolishes the entire prosecution case and the evidence of P.W. 4 is in direct contradiction not only with the FIR but also with the evidence of P.W. 2. P.W. 5 is the daughter of the informant and has supported the prosecution case and has stated that she and her family members were inside the house at the time of occurrence when accused Shivam Kumar, Dhananjay and Kanhaiya came and knocked the door on which her father came out and asked as to why were they knocking the doors, on which the accused assaulted her father and took him to the dalan of accused Dhananjay Singh and assaulted there. P.W. 5 has stated that the accused were armed with weapons. The evidence of P.W. 5 also appears to be in contradiction with the evidence of P.W. 4, P.W. 2 and the written report. Neither the informant in his written report nor the informant in his evidence nor the P.W. 4 have stated in their evidence that the accused were armed with weapons. P.W. 5 has specifically stated that the occurrence took place in her presence which means that the P.W. 5 is an eye-witness and if there is any contradictory evidence with the evidence of P.W. 2 and P.W. 4 the same cannot be ignored. P.W. 5 has also stated that the occurrence took place inside the house and this evidence of P.W. 5 is in corroboration with the evidence of P.W. 4, but is in contradiction with the evidence of P.W. 2.

It also appears that the informant is residing at the Government land for

which the accused submitted application before the District Magistrate as such it can be safely concluded that the informant was not having cordial relations with the accused. The evidence of P.W. 2 at Para 23 substantiate the evidence of not having cordial relations where the informant has not satisfactorily replied that when the S.D.P.O. went in the village during supervision, the witnesses stated that the informant has lodged a false case and has falsely implicated the accused and as stated by the informant no occurrence took place.

The I.O. has not been examined by the prosecution as the I.O. died during the pendency of the trial as such in the absence of the evidence of I.O. neither the place of occurrence nor the genesis of occurrence nor the manner of occurrence could be proved. It also transpires that due to non-examination of I.O., the defence could not take contradictions and has been prejudiced. The Hon'ble Supreme Court in case of ***Ravishwar Manjhi versus State of Jharkhand (2008) 16 SCC 561*** has highlighted that examining the I.O. is vital when the defence is denied the opportunity to confront witnesses with their earlier statements, causing significant prejudice. It becomes essential if there are crucial gaps in the prosecution case, such as when witnesses are unreliable, to establish the correct place/time of occurrence.

It is settled principle of law that for an offence to be committed u/s 3(1)(r)(s) SC/ST Act, the offence must be committed in public view, as held in the judgment reported in ***Hitesh Verma versus State of Uttarakhand and Another (2020) 10, SCC 710*** where the Hon'ble Supreme Court has held that to attract offence u/s 3(1)(r)(s) SC/ST Act, the offence must have been committed in public view. The Hon'ble Supreme Court relying on the judgment passed by it in the matter reported in ***Swaran Singh and Others versus State through Standing Counsel and Others (2008) 08, SCC 435*** has held "if the remark is made inside a building, but some members of the public are there (not merely relatives or friend) then it would not be an offence since it is not in the public view". Herein this case, P.W. 4 as well as P.W. 5 who claim themselves to be eye-witnesses have stated in their evidences that the occurrence took place inside the house as such the essential ingredients required for the commission of offence u/s 3(1)(r)(s) of SC/ST Act are not fulfilled.

The accused are also facing trial for commission of offence u/s 323, 341, 504, 506/34 of IPC. It appears that all the alleged offences are compoundable in nature. On the record is also a compromise petition duly signed by the parties and identified by their respective counsels. Neither the defence counsel nor the

ld. Spl. P.P. have contradicted the terms of compromise, rather both the parties have concurred with the compromise petition. In my opinion the offence u/s 323, 341, 504, 506/34 of IPC have been validly compounded in terms of Sec. 320 of Cr.P.C.

From the observations and discussions made herein above and on the basis of materials available on the record it appears that the prosecution has failed to prove its case beyond all reasonable doubts against the accused facing trial U/s 323, 341, 504, 506/34 of IPC r/w Sec. 3(1)(r)(s), 3(2)(va) of SC/ST Act against the accused Dhananjay Singh (A1), Shivam Kumar (A2) Matukan Singh (A3) and Kanhaiya Kumar (A4). Hence, the prosecution case fails. Consequently, accused, namely, Dhananjay Singh (A1), Shivam Kumar (A2) Matukan Singh (A3) and Kanhaiya Kumar (A4) are given benefit of doubt and are **acquitted** from all the charges leveled against them and the accused are also discharged from the liabilities of their respective bail bonds.

Pronounced in the Open Court.

Office is directed to consign the record to the record room after completion of all the formalities.

Dictated and corrected by me

(Dictated)

(Neeraj Kishore)

Distt & Addl Sessions Judge-1st
-cum- Special Judge, SC/ST Act.
Sheikhpura.
25.04.2026

(Neeraj Kishore)

Distt. & Addl. Sessions Judge-1st
-cum- Special Judge, SC/ST Act.
Sheikhpura.
25.04.2026

Date of Judgment /Order	25.04.2026
Date of Reserving Judgment/Order	20.04.2026
Uploading date	25.04.2026
Uploaded by	Md. Reyazul Haque

FORM C

LIST OF PROSECUTION /DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Chinta Devi	OTHER WITNESS
PW2	Deena Dhandhi	INFORMANT (EYE WITNESS)
PW3	Jhalo Devi	OTHER WITNESS
PW4	Punam Devi	EYE WITNESS (Wife of Informant)
PW5	Chandani Kumari	EYE WITNESS (Daughter of Informant)
PW6	Prabhakar Kumar	OTHER WITNESS

B. Defence Witnesses, if any: Nil.

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

C. Court Witnesses, if any: Nil.

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

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Exhibit-1	Signature of informant Deena Dhandhi on the written report

B. Defence: Nil.

Sr. No.	Exhibit Number	Description
1.	Nil	Nil
2.	Nil	Nil

C. Court Exhibits : Nil.

Sr. No.	Exhibit Number	Description
1.	Nil	Nil
2.	Nil	Nil

D. Material Objects: Nil

Sr. No.	Material Object Number	Description
1.	Nil	Nil
2.	Nil	Nil

(Neeraj Kishore)

Distt. & Addl. Sessions Judge-1st
-cum- Special Judge, SC/ST Act.
Sheikhpura.
25.04.2026