

FORM A

IN THE COURT OF 1st Addl. Sessions Judge, Saran at Chapra Present: Syed Mohammad Fazlul Bari, 1st Addl. Sessions Judge Date of Judgment: 23rd of June, , 2026 Sessions Trial No. - 642/2008 Garkha P.S. Case No. 81/2007 u/ss. 452, 354, 376/511 of I.P.C.	
Informant	STATE (Chanmuni Devi s/o Saral Mahto Nageshwar Singh Village Pithaghat P.S. Garkha, Dist. Saran.
Represented by	Sri Bidit Pd. , Addl. P.P. for the State
Accused persons	1. Naresh Manjhi and 2. Brijnandan Manjhi
Represented by	Sri Ajay Kumar Ld. Advocate for accused person

FORM B

Date of offence	30.4.2007
Date of FIR	1.5.2007
Date of charge-sheet	8.5.2008
Date of framing of charge	17.12.2008
Date of commencement of evidence	18.5.2010
Date on which judgment is reserved	19.6.2026

Date of judgment	23.6.2026
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Accused Details

Rank of the accused 1	Name of accused	Date of arrest	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of Section 428 Cr.P.C.
A-1	1.Naresh Manjhi and 2. Brijnandan Majhi , Village Pithaghat, P.S. Garkha District – Saran		--	u/ss. 452,, 354/34, 376/511 of I.P.C.	Acquitted	--	--

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

PROSECUTION

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESSES, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W. 1	Chanda KUmari	Hostile witness
P.W. 2	Ram Swaroop Mahto	Hostile Witness
P.W. 3	Reema Kumari	Eye witness
P.W. 4	Lallan Kr. Mahto	Eye witness
P.W. 5	Birendra Mahto	Hostile witness
P.W. 6	Satya Narayan Mahto	Hostile witness

DEFENCE WITNESSES, if any:

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

COURT WITNESSES, if any:

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

FORM D

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION

Sr. No.	Exhibit Number	Description
1		
2		

B. DEFENCE

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

C. COURT EXHIBITS

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

J U D G M E N T

- Both the above named accused person are facing trial for the offences punishable u/ss. 452, 354/34, 376/511 of I.P.C.
- Brief Facts:-**FIR of this case has been registered on the basis of written application of the informant namely Chanmuni Devi that all the accused persons named in the FIR used to commit wrong with the informant and whenever she came out of her house, they used to abuse her and lastly on 30.4.2007 at about 9 O'clock of night, the informant was at her door along with her children and the lantern was burning, accused persons entered into her house, accused Naresh Manjhi caught both the hands of the informant and accused Brijnandan Manjhi shut her mouth, accused Sikandar Mamjhi caught her both the breast in his hand and accused Satendra Manjhi took out her clothes and tried to commit rape with her. . Informant raised objection and hearing her shouts her daughter Reema Kumari son Lallan Mahto and Babban Mahto came there. And started weeping. Due to which her modesty was saved. But the accused persons threatened her while fleeing away.
- After investigation, the Police submitted charge-sheet against all the above named 8 accused persons, out of them four accused persons died during the course of trial. Charge sheet has been submitted u/s 452, 354, 376, 511 of I.P.C.

CHARGE:

- Charges have been framed against both the above named accused for the offences punishable under Sections 452, 354, 376, 511 of I.P.C. . The contents of the charges were read over and explained to the accused in Hindi to which she pleaded not guilty and claimed to be tried.

PROSECUTION EVIDENCE:

- The prosecution, during the course of evidence, has examined four witnesses namely P.W. 1 Chanda Kumari, P.W. 2 Ram Saroop Mahto,

P.3. 3. Reema Kumari, P.W.4 Lallan Mahto, P.W. 5 Birendra Mahto, P.W. 6 Satyanarayan Mahto.

6. After recording the evidence of the prosecution, the accused persons were examined under Section 313 of Cr.P.C. When the accused was briefed on all the incriminating evidence and documents. Further, they pleaded their innocence and false implication in this case.
7. Defence neither led any evidence in this case nor filed any document.

ARGUMENTS:-

ON BEHALF OF PROSECUTION:

8. Learned Public Prosecutor has argued that the prosecution witnesses have supported the prosecution case against the accused on material particulars. Hence, the accused should be held guilty and be punished accordingly.

ON BEHALF OF DEFENCE:

9. Learned counsel representing the Defence appeared and contended that there are several contradictions in the evidences of prosecution witnesses, the prosecution witnesses have not supported the prosecution case. He further added that the accused has falsely and wrongly been implicated in this case on the basis of a concocted story narrated by the informant. Hence, learned counsel for the accused has requested to release the accused from all the charges as the charges are not sustainable in the eyes of law.
10. I have heard learned Public Prosecutor representing the Prosecution as well as learned counsel representing the Defence. Now, the question for consideration is whether the prosecution has been able to prove the charges leveled against the accused. In this context, I proceed to examine the evidence brought on record.

FINDINGS

11. **Chanda Kumari (P.W.1)** has deposed on oath and stated that she knows nothing about the occurrence. The witness has been declared hostile by the prosecution.

In her cross-examination, she denied that the accused persons have not committed the occurrence.

- 12. Ram Saroop Mahto (P.W. 2).** has deposed on oath and stated that he knows nothing about the occurrence. The witness has been declared hostile by the prosecution. In his cross examination this witness has denied that the accused persons have committed the occurrence.
- 13. Reema Kumari (P.W.3)** is the daughter of the informant/victim, this witness has deposed on oath and stated that the accused persons named in the FIR have tried to commit rape with her mother, but this witness and her sister and brothers started shouting, then accused persons fled away from there. IN her cross examination this witness stated that the accused persons are in her relation and there is previous dispute between them.
- 14. Lallan Kumar Mahto (P.W.4)** is the son of the informant/victim, this witness has deposed on oath and stated that the accused persons named in the FIR have tried to commit rape with his mother, but this witness and his sister and brothers started shouting, then accused persons fled away from there. IN his cross examination this witness stated that the accused persons are in her relation and there is previous dispute between them.
- 15. Birendra Mahto (P.W. 5).** has deposed on oath and stated that he knows nothing about the occurrence. The witness has been declared hostile by the prosecution. In his cross examination this witness has denied that the accused persons have committed the occurrence.
- 16. Satya Narayan Mahto (P.W. 6)** has deposed on oath and stated that he knows nothing about the occurrence. The witness has been declared hostile by the prosecution. In his cross examination this witness has denied that the accused persons have committed the occurrence.

APPRECIATION OF EVIDENCES

- 17.** Prosecution version in this case is that the accused persons have tried to commit rape with the informant. P.W. 3 and 4 are daughter and son of the informant, they supported the occurrence but stated that on their shouts the accused persons fled away and accused persons are their relatives. Informant has not been examined in the case.

18. Now, it has to be seen as to whether prosecution has been able to prove the charges as framed against the accused u/ss. 452, 354/34, 376/511 of IPC.
19. In this case, doctor and I.O. of this case have not been examined to support the prosecution case.
20. In this case, P.Ws 1, 2, 5 and 6 have not supported the prosecution case and they were declared hostile by the prosecution. P.W. 3 and 4 daughter and son respectively of the informant, they supported the case and stated that both the parties are relatives and there is previous dispute between them. Informant of the case has been produced for examination by the prosecution.
21. In this case, after analyzing all the evidences/depositions, I am of the view that there are several contradictions in the testimonies of witnesses and none of the witnesses has deposed stated that the victim performed her marriage with her own will. , Witnesses have not supported the version of FIR at all.
22. The one of the principle of criminal jurisprudence is that 'let a hundred guilty be acquitted, but one innocent should not be convicted'. Therefore, after considering the oral and documentary evidences available on record, arguments adduced by the prosecution and defence, this Court comes to the conclusion that the prosecution has failed to prove the charges against the above named accused persons namely 1. Narendra Manjhi and Brijnandan Manjhi
23. Thus, the said accused is hereby **acquitted** for the charges u/ss. 452, 354/34, 376/511 of the Indian Penal Code. Accused and his sureties are discharged from her liabilities of bail bonds.

File be consigned to record room, as per rules.

(Dictated and corrected by me)

(Dictated)

Syed Md. F. Bari
1st Addl. Sessions Judge,
Saran at Chapra
23.6.2026

Syed Md. F. Bari
1st Addl. Sessions Judge,
Saran at Chapra