

IN THE COURT OF ADDITIONAL SESSIONS JUDGE IV,
SARAN

Present: Raghvendra Vikram Singh Parmar District & Addl. Session Judge IV,
SARAN

[Date of Judgment:- 06th of April , 2026]

[Sessions Trial No. 300/2019]

(Arising out of Mashrakh P.S. Case No. 316/2017, Registration .no, 7858/2017)

State of Bihar through
Krishna Mahto

Prosecution

REPRESENTED BY

1. Sri Dhruvdeo Singh, Ld. A.P.P.

ACCUSED

1. Ram Janam Prasad S/o Late Khedan Mahto aged
about 78 Years (A1)

2. Raj Kumar Manjhi S/o Latre Sudarshan Manjhi
aged about 53 years(A2)

3. Ram Babu Prasad S/o Ram Janam Prasad aged
about 29 years(A3)

4. Ram Ekbal Manjhi S/o Late Hira Manjhi aged
about 63 years(A4)

5. Dhanesh Manjhi S/o Raj Kumar Manjhi aged
about 33 years(A5)

6. Satyendra Manjhi S/o Raghubar manjhi aged
about 38 years(A6)

7. Guddu Manjhi S/o Ram Ekbal Manjhi aged about
33 years(A7)

8. Arjun Manjhi S/o Late Hira Manjhi about 48
Years(A8)

9. Nagendra Manjhi S/o Raghubar Manjhi aged about
43 years.(A9)

All R/O village, Jajauli , P.S. Mashrakh , Distt. Saran

REPRESENTED BY

1. Sri Vyas Manjhi, Ld. Advocate

Date of Offence 03.11.2017

Date of FIR 03.11.2017

Date of Charge Sheet 31.08.2018

Date of Framing of Charges 14.06.2019

Date of Commence of evidence 12.07.2019

Date on which judgment is reserved 24.03.2026

Date of the Judgment 06.04.2026

Date of the Sentencing Order, if any 06.04.2026

Accused Details:

Rank of the Accused	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 purpose of Section 428, Cr.P.C.
1	Ram Janam Prasad	04.11.17	01.02.18	307,147,14 8,323,504/1 49 of IPC	Acquitted		
2	Raj Kumar Manjhi	04.11.17	24.11.18	307,147,14 8,323,504/1 49 of IPC	Convicted u/s 325 of IPC	u/s 325 of IPC, RI of 3 years of Rs.10000/ in default & further imprisonm ent, of 1 month	From 04.11.2017 to 24.11.2018 Period- 01 Year 20 Days
3	Ram Babu Prasad	-	-	307,147,14 8,323,504/1 49 of IPC	Acquitted		
4	Ram Ekbal Manjhi	-	-	307,147,14 8,323,504/1 49 of IPC	Acquitted		
5	Dhanesh Manjhi	04.11.17	01.02.18	307,147,14 8,323,504/1 49 of IPC	Acquitted		
6	Satyendra Manjhi	04.11.17	01.02.18	307,147,14 8,323,504/1 49 of IPC	Acquitted		
7	Guddu Manjhi	-	-	307,147,14 8,323,504/1 49 of IPC	Acquitted		
8	Arjun Manjhi	04.11.17	01.02.18	307,147,14 8,323,504/1 49 of IPC	Acquitted		
9	Nagendra Manjhi	04.11.17	01.02.18	307,147,14 8,323,504/1 49 of IPC	Convicted u/s 323 of I.P.C.	u/s 323 of IPC, SI of Six Months and fine of Rs.1000/ in default & further imprisonm ent, of 15 Days	From 04.11.2017 to 01.02.2018, Period-02 Months, 27 Days

JUDGEMENT

1. The above named accused persons stand charges u/s 307,147,148,323,504/149 of IPC .

2. Prosecution story in brief as per as per ferd beyan of the informant Krishna Mahto recorded at Primary Health Center Mashrakh on 03.11.2017 at 7.30PM is that the dispute for way is going on from two days with Ram Janam Prasad and on today he was returning from Basantpur with Rupees one lac and when reached at his door at about 05.30PM , then Ram Janam Prasad called him and asked to not go by this way . Then Ekbal Manjhi came and put his hand on his neck ad Raj Kumar Manjhi assaulted him on his head by rod. His head was torn. Till then Raghuvar Manjhi ,Vikrama Manjhi , Ram Kishun Manjhi , Arjun Manjhi , Yogendra Manjhi , Jutul Manjhi , Shailesh Kumar, Ram Babu Prasad, Vijay prasad, Ravindra Manjhi ,Teni@ Dinesh Kumar, Dhanesh Kumar, Deepak Kumar, Jitendra Manjhi, Nagendra Manjhi, Shatrughan Manjhi, Govind Manjhi, Guddu Manjhi and Satyendra Manjhi came with lathi , danda and spear, assaulted him and injured him. When his father , brother son and mother came for rescue . They were also assaulted and received injuries . Rupees one lac , which he brought from bank were dropped , were picked up by Raj Kumar Manjhi. All the accused persons assaulted the informant his family members and badly injured them and any accused also took away golden mangal sutra of his mother worth of rupees four thousand.

3. On the aforesaid ferd beyan of the informant Mashrakh P.S. Case No. 316/2017 Dated 03.11.2017 u/s 147,148,149,341,323,307,504,506 was registered against the accused persons, Ram Janam Prasad, Ekbal Manjhi , Raj Kumar Manjhi, Raghuvar Manjhi ,Vikrama Manjhi , Ram Kishun Manjhi , Arjun Manjhi , Yogendra Manjhi , Jutul Manjhi , Shailesh Kumar, Ram Babu Prasad, Vijay prasad, Ravindra Manjhi ,Teni@ Dinesh Kumar, Dhanesh Kumar, Deepak Kumar, Jitendra Manjhi, Nagendra Manjhi, Shatrughan Manjhi, Govind Manjhi, Guddu Manjhi and Satyendra Manjhi. After investigation the Charge Sheet No.327/2018 Dated 31.08.2018 was submitted u/s 147,149,341,323,307,504 of IPC , against the accused persons Ram Janam Prasad, Raj Kumar Manjhi , Arjun Manjhi ,Ram Babu Manjhi , Dhanesh Manjhi , Nagendra Manjhi , Guddu Manjhi , Satyendra Manjhi and Ekbal Manjhi and the accused persons Teni@ Dinesh Kumar, Ravindra Manjhi, Govind Manjhi , Jitendra Manjhi , Jutul Manjhi, Shatrughan Manjhi, Yogendra Manjhi, Vijay Manjhi , Shailendra Manjhi , Deepak Manjhi , Ram Kishun Manjhi , Raghuvar Manjhi and Vikrama Manjhi were not sent up . On this report Ld. A.C.J.M. VI , Saran,

took cognizance u/s 147,148,149,341,323,307,504 of IPC against the accused persons Ram Janam Prasad, Raj Kumar Manjhi , Arjun Manjhi , Ram Babu Manjhi , Dhanesh Manjhi , Nagendra Manjhi , Guddu Manjhi , Satyendra Manjhi and Ekbal Manjhi on 21.12.2018 and the record was kept for commitment . On 08.04.2019 after supply of police papers, the record was committed to the Sessions Court for trial. Lastly, the record received in this court on 28.02.2023.

4. On 14.06.2019 the Charges were framed and explained to the accused persons Ram Janam Prasad, Raj Kumar Manjhi, Ram Babu Prasad , Ram Ekbal Manjhi, Dhanesh Prasad, Satyendra Manjhi, Guddu Prasad, Arjun Manjhi and Nagendra Manjhi u/s 307,147,148,323,504/149 of IPC, to which they pleaded not guilty and claimed for trial.

5. On 07.12.2023 the accused persons Ram Janam Prasad, Raj Kumar Manjhi , Ram Babu Prasad , Ram Ekbal Manjhi , Dhanesh Prasad , Satyendra Manjhi , Guddu Prasad , Arjun Manjhi and Nagendra Manjhi were examined u/s 313 they claimed themselves innocent denied the occurrence.

Points for determination

6. *Now it is pertinent to see whether the prosecution has been able to bring home the charges beyond all reasonable doubt.*

Evidence and Arguments

7. In this case the prosecution has been examined eleven witnesses, as PW-1, Sanjay Mahto@Sanjay Kumar Mahto, PW-2 Madhav Nut@ Madhav Prasad, PW-3 Deepchand Mahto, PW-4 Dr. Anisur Rahman Ansari, P.W.-5 Teras mahto@ Ram Chandra Mahto , PW-6 Sunil Kumar mahto@ Sunil Kumar, PW-7 Niraj Kumar, P.W.8 Krishna Mahto , informant of the case, P.W.9 Munna Kumar Mahto, P.W.10 Shanti Devi and P.W.11 Kirni Kumari . The prosecution has also produced documentary evidence as Ext.-1/1 injury report of Krishna Mahto identified by P.W.4, Ext-2 injury report of Munna Mahto identified by P.W.4, Ext.-3 injury report of Niraj Kumar identified by P.W.4, Ext.-4 injury report of Sunil Kumar identified by P.W.4, Ext.-5 injury report of Teras Mahto identified by P.W.4, Ext-6 injury report of Gyanti Devi identified by P.W.4, Ext.7 as signature of Krishna Mahto P.W.8 on ferd beyan, Ext-8 as signature of Jaglal Mahto identified by Krishna Mahto P.W.8 Ext-9 as writing and signature of S.I P.N. Singh identified by P.W.11 , Ext.10 as signature of Jaglal Mahto on ferd beyan identified by P.W.11 , Ext.11 as writing and signature of SHO Mashrakh Ajay Paswan on endorsement

identified by P.W.11 , Ext.12 as identification of signature of SHO Purshottam Narayan Singh on formal FIR identified by P.W.11 and Ext -13 as writing and signature of P.W.11 on chargesheet , Ext.13/1 signature of SHO Ajay Paswan on the warding Charge Sheet , Ext.14 as slip no. 36830 dated 03.11.2017 regarding treatment of Krishna Mahto ., Ext 15 as slip no. 2712 dated 03.11.2017 regarding treatment of Sunil Kumar ., Ext 16 as slip no. 36831 dated 03.11.2017 regarding treatment of Krishna Mahto, Ext 17 as slip no. 5778 dated 13.03.2019 regarding treatment of Krishna Mahto , Ext 15 as slip no. 2714 dated 03.11.2027 regarding treatment of Gyanti Devi., Ext 19. as slip no. 30833 dated 03.11.2027 regarding treatment of Niraj Kumar., Ext 20 as cash memo in name Sukhari Mahto dated 21.03.2017, Ext.21 of Cash Memo no.13717 dated 08.11.2017 of Rs.900/- related with NCCT Barin of Krishna Mahto, Ext.22 as Cash Memo of Dayawan Medico dated 10.11.2017 related medicine of Krishna Mahto , Ext.23, 24 , 25 and 26 as statements of Bank account dated 21.02.23 of Krishna Mahto and Sangita Mahto . Defence had not produced oral evidence but defence side had produced documentary evidence as Ext.A, as c.c. of FIR of Mashrakh P.S. case 315/2017 Dated 03.11.2017 with objection, Ext.B as c.c. of Charge Sheet no. 153/2018 dated 25.05.2018 with objection , Ext.C as c.c. of Mashrakh P.S. case 344/2018 dated 08.10.2018 with objection and Ext.D as c.c. of Charge Sheet no. 297/2019 dated 31.09.2019 with objection . No other oral or documentary evidence is on record except the aforesaid evidence.

8. P.W.1, Sanjay Mahto , stated in his examination in chief that the incident occurred on 03.11.2017, at 5:30 in the evening, he was at Krishna Mahato's doorstep when Krishna Mahto arrived and parked his motorcycle. Ram Janam Prasad called Krishna Mahto to come over, saying, "You are not supposed to pass through my door." The two men were arguing over the right-of-way. Ekbal Manjhi then arrived, put his hand on neck of Krishna Mahto. Meanwhile, Raj Kumar arrived with a rod and struck Krishna Mahato on the head two or three times. Others then arrived, including Raghuvar Manjhi, Yogendra Manjhi, Jutul Manjhi, Arjun Manjhi, Ramkishun Manjhi, Deepak Manjhi, Vikrama Manjhi, and Guddu Manjhi. They were all armed with sticks and pots. They included Ravindra Manjhi, Jitendra Manjhi, Vijay Kumar, Rambabu Prasad, Dhanesh Manjhi, Dinesh Manjhi, and others. When Krishna Mahato's brother and father tried to intervene, the accused attacked Krishna Mahato's brother, parents, and mother with sticks and bricks. The accused continued to beat them repeatedly. He further stated that all the injured were treated at the P.H.C. in Mashrakh, from where some were referred to Sadar Hospital in Chapra. Krishna Mahato, who had more serious injuries, was referred from Chapra Sadar

Hospital to PMCH. He claims to identify the accused persons.

9. In cross-examination on behalf of the defncre, he stated that the distance between accused persons' house and his house is approximately 100 feet. Between his and accused persons' house, there are the houses of Deepchand Mahto and Tufani Mahto. He further stated that when he arrived at the place of occurrence, there were four or five men there, namely Krishna Mahato and Ram Janam Prasad. He arrived after listening to their conversation. After his arrival, approximately 15 or 20 people arrived, including Tufani Mahato, Mukesh Prasad, Deepchand Mahato, Umesh Prasad, Nagina Prasad, Mishri Mahato, Madhav Nat, his wife Neeta Devi, and others. He further stated that there was a dispute between the informant and the accused regarding the way. He stated the boundaries of the disputed way as Rajendra Prasad's house on the north, Ram Janam Prasad's house on the south, Gauri Shankar and Shiv Nath Manjhi's house on the east and Krishna Mahto's residential house on the west. He further stated that he cannot tell the length and width of the disputed road. He further stated that a fight broke out on the eastern side of the disputed road. The fight continued for ten to twelve minutes, and he tried to break it up. However, when the lathi, spear were started, he had not tried to stop. He further stated that the spear did not hit anyone. He cannot tell the length of the spear. He did not get hurt anywhere while trying to stop the fight. He cannot tell who hit whom and how many times. He further stated that Krishna Mahto fell unconscious due to his injuries. He accompanied the injured to the hospital. Mahto remained unconscious for only a minute or two, then became conscious. He further stated that the accused Ram Ekbal Manjhi was injured on his cheek. He did not say by which, the injury was caused. He further stated that the stone-pelting lasted for 2-3-4-5 minutes. The stone-throwing occurred from a distance of 20-30 feet. Stone pelters were throwing stones and those carrying lathi and danda, were beating by lathi danda. He further stated that The police did not come to the place of occurrence on the day of the incident. His statement was recorded before the police. He had said this before the police that Ram Ekbal Manjhi caught hold the neck. He also told the police that Rajkumar Manjhi had hit Krishna Mahato with a rod. He denied that he gave a false statement and he did not say so before the police that Ram Ekbal Manjhi caught hold of the neck and Rajkumar Manjhi hit Krishna Mahato with a rod. He further stated that he has already stated, the boundary of the incident site is the same. He denies that no such incident has taken place as he has stated and this case has been filed to escape the case of accused persons and he is in collusion of the informant and he has given a false statement.

10. P.W.2 , Madhav Nut @ Madhav Prasad stated in his examination in chief the occurrence was occurred in 2017. It was around 5:30 in the evening. He was returning home from the market and saw three or four men from our village lying on the road with injuries. There were two or three children there. He saw Krishna Mahto was injured, and his father, Ram Chandra Mahto, was injured. He did not know that by which the injuries were caused the injuries. Ram Chandra's s wife and two young children were at the place of incident. He further stated that the injured were taken to Mashrakh, where they were treated, he did not know. He claims to identify the accused persons .

11. In cross examination on behalf of defence he stated that the accused persons were not at the place of the occurrence. He did not know that the accused persons had filed the case against the informant and it was dark at the time , when the occurrence was occurred . He had not seen that by which the informant was brought to the hospital. He further stated that he told the police that the informant was injured. He denied that he had not given such a statement to the police. He also denied that the he had deposed falsely to escape the case of the accused.

12. P.W.3 , Deepchand Mahto stated in his examination in chief the incident was occurred on 03.11.2027 , at 5:30 p.m. , he had gone to work in the fields at the time. When he returned, He had not seen the occurrence . He was declared hostile on the request of the prosecution . He cross examined by the prosecution . He denied that he had stated the police about the occurrence .

13. In cross examination on behalf of the defence he stated that the incident of 03.11.2017 had not seen by his own eyes. He further stated that he was working in the field at a distance of one kilometer from the incident site. His family members and small children were also working with him in his farm. When he returned from the fields, his family was with him. Rajkumar Manjhi was not with him. He denied that the police did not take his statement.

14. P.W.4 , Dr. Anisur Rahman Ansari stated in his examination in chief that on 03.11.2027 he was posted as medical officer at PHC Mashrakh, Saran and on that he examined Krishna Mahto at 6.50PM and found following injuries on his person .

01 – Lacerated wound over both side temporal region with clot , size about 2.5”x ½”x scalp deep , caused by blunt edged object. Opinion reserve for CT scan of brain.

02- Lacerated wound over left thumb index finger , size 1”x1/4”x skin deep

caused by blunt edged object , simple injury . He identified his writing and signature on injury report marked as Ext.1 .

03- Vomiting 04-Referred to PMCH , caused investigation and treatment. age of injury within one hour. Supplementary report injury no.1 of Krishna Mahto , according to PMCH radiologist written by radiologist. Evidence of scalp hematoma left high parietal region. Nature of injury grievous. He identified his writing and signature on injury report marked as Ext.1/1 .

He further stated that on same day he also examined Munna Mahto s/o Teras Mahto and found following injuries on his person .

01 – Diffused swelling over right hand caused by blunt object . Opinion reserve for X-ray report .

02- A little size abrasion over left calf muscle caused by ruff object , simple in nature. He identified his writing and signature on injury report marked as Ext.-2 .

On same day he also examined Niraj Kumar s/o Krishna Mahto and found following injuries on his person .

01 – Diffused swelling over right thigh caused by hard and blunt object , Opinion reserve for X-ray report .He identified his writing and signature on injury report marked as Ext.-3.

On same day he examined Sunil Kumar s/o Teras Mahto and found following injuries on his person.

01 – Lacerated wound over occipital region, size about ½”x 1/4”x scalp deep , caused by blunt edged object simple in nature .

02- A little size abrasion over tip of right index finger , middle finger caused by rough object, simple in nature , age of injury within 1 hour and He identified his writing and signature on injury report marked as Ext-4 .

He further stated that on same day he examined Teras Mahto and found following injuries on his person .

01 – Lacerated wound over left thumb, size about 1/2”x1/4”x skin-deep , caused by blunt edged object, simple in nature .

02- Complain of pain and tenderness over front and side of chest , Caused by physical assault , Opinion reserve for X-ray report, age of injury within one hour. He identified his writing and signature on injury report marked as Ext.-5 .

On same day he examined Gyanti Devi and found following injuries on his person .A little size abrasion with swelling over right maxillary region, caused by rough

object, simple injury, age of injury within 1 hour . He identified his writing and signature on injury report marked as Ext-6.

15. In cross examination on behalf of defence , he stated that he received a telephone notice to testify, but he had not received any written documents. He is retired. He further stated that Munna's injuries No. 1 and 2 could also have been caused by falling on a rough surface. He further stated that the injury of Niraj cannot happen by falling and X-rays of injured was held at another place. He further stated that X-ray plate of Niraj was not available before him at the time of giving the injury report. He further stated that Sunil's injury is likely due to a fall. Sunil's injury is not life-threatening. He further stated that Injury No. 1 of Teras Rai could have been caused by falling on a rough surface and Injury No. 2 could have been caused by other causes. He further stated that Injury no. 1 and 2 of Gyanti Devi can also be caused by a falling . He further stated that that first of all, he admitted the injured Teras Mahto at 07.00. He further stated that be observing at the wounds of the injured, one can tell how much time it will take to look after the injured. He further stated that the injury report of Krishna Mahto, injury report 1 is not possible by falling . Injury report 2 could caused by a falling . Injury report 3, could also be caused by a normal injury. He further stated that the depth of the wound is estimated. He further stated that he gives the CT scan report. CT scan reports come to us loose, not sealed. He denied that his injury report is not correct.

16. P.W.5 , Teras Mahto@ Ramchandra Mahto stated in his examination chief that the occurrence was occurred on 03.11.2017 at 5:30 in the evening. He was at home at the time. His son, Krishna Mahto, had withdrawn one lakh rupees from the bank and was returning home. Ram Janam Mahto blocked his path. Rajkumar, Teni Manjhi, Dhanesh Manjhi, Raghuvar, Jitendra, Dhanesh, Guddu Ranjit, Ramkishun, and Arjun Manjhi all came and started hitting him with sticks, rods, and rods. Rajkumar hit him with the rod. They all beat them and severely injured them . He Further stated that he was injured on the thigh, thumb, and back. His wife, Gyanati Devi, and his grandson, Niraj Kumar, were injured on the wrist, and his son, Munna, was injured on the wrist and wrist. Krishna also suffered head injuries. Ashok Prasad had beaten him. He further stated that they were treated at Masrakh Primary Hospital. From there, the doctor referred them to Sadar Hospital, Chapra. From Sadar Hospital, the doctor referred Krishna Mahto to PMCH. Krishna Mahto was treated at PMCH for

approximately two months. After that, he was treated at PMCH for nine months. He further stated that he can not see clearly with his eyes right now. He can recognize accused persons in close.

17. In cross examination on behalf of the defence he stated that he received a notice from the court to testify. He further stated that he has not been able to see properly for a year. Accused persons had also filed a case against them. He does not remember the case number. He further stated that when he arrived at the place of occurrence, two hundred and fifty to three hundred villagers had gathered. No one from the village made any effort to end the fight. Everyone was carrying sticks, clubs and rods. He stated the boundaries of the place of occurrence as in the north is Rajendra Mahato's house, in the south is Ramjanma's house, in the east is Gaurishankar Sah's house and to the west is his land. He further stated that There was blood on the ground. He and others did not show it to the police officer because they had gone to the hospital. He further stated that the assault lasted barely half an hour to three-quarters of an hour. He was conscious after being injured. He arrived at Mashrak Hospital for treatment at six o'clock. Daroga Ji took his statement. Everything he had told the police. He further stated that after returning from the hospital, police took his statement. He further stated that that he was treated at PMCH for two months. Krishna Mahto was hospitalized in Chhapra for two months. After that, he was treated at home. He further stated that Asharfi Mahto, Sanjay Kumar, Nagina Mahato, etc. were present at the scene of the incident, whom he recognizes. He further stated that he was admitted in Chapra Hospital for four-five days. He denied to remember the date of discharge from Chapra Hospital. He further stated that Ram Janam was the first to attack. He denied that no such incident has taken place as he deposed and that he has given false testimony in this case to save from accused persons' case and that no statement was given to the police.

18. P.W.6, Sunil Kumar Mahto@ Sunil Kumar stated in his examination in chief that the occurrence was occurred on November 3, 2017, at 5:30 p.m. He was at his door. His brother, Krishna Mahato, had just withdrawn one lakh rupees from the State Bank of Basantpur. Ram Janam Mahato was passing by that road and stopped his brother. An argument ensued between them. He stated that he should not go that way. Following this argument, a physical altercation was started between them. After that Raj Kumar Manjhi came with an iron rod and hit his brother on the head, Ram Janam Prasad and

Ashok started beating him with sticks and rods. Vijay Prasad, Raj Kumar Manjhi, Dhanesh Manjhi, Dinesh Manjhi alias Teni Manjhi and Raghuvar Manjhi, Nagendra Manjhi, Satyendra Manjhi, Ram Ekbal Manjhi, Guddu Manjhi, Ramkishun Manjhi, Deepak Manjhi, Arjun Manjhi, Yogendra Manjhi, Jutul Manjhi. Shatrughan Manjhi, Jitendra Manjhi, Ravindra Manjhi , Govind Manjhi, Shailesh Kumar all of them came with sticks and started beating us when my brother fell and we went to save him. He further stated that Munna Kumar Mahato, Ramchandra Mahato, his mother Gyanti Devi, and his brother Niraj Kumar went with us to rescue him. The accused attacked them with sticks and iron rods, severely injuring us. He was injured on the head, waist, and face. He further stated that then Raj Kumar Majhi snatched one lakh rupees from my brother's bag and ran away. He further stated that they were brought to P.H.C. ,Mashrakh for treatment . His brother Krishna Mahto, was referred to Chapra Sadar Hospital after that he was also treated at Patna and rest were treated in Mashrakh. He claims to identify the accused persons.

19. In cross examination on behalf of defence he stated that when he arrived at the place of occurrence that there were initially ten people there, followed by ten to twelve others. He arrived within five minutes and when he reached at the place of occurrence , his brother was found with head injury and he was was lying unconscious. The police took his statement at Mashrak that evening. The statements of six people were recorded at the hospital. The doctor treated his wounds for two days. His brother Krishna Mahto's treatment lasted a month and a half to two months. He further stated that he was released from Mashrak two days later, and then went to Chapra for treatment. He further stated in all injured only Krishna was unconscious. He further stated that he saw the money being snatched. The bag was green. He further stated that the occurrence was occurred at 5:30 in the evening. It was still a little bright at that time. He accepted that he can who hit him with what weapon and how many times. He was wounded in five places. Twenty-two men who arrived later were firing in groups at the four of us who had gone to rescue them. He further stated that the accused assaulted and fled away from there. He denied that the occurrence was occurred as stated by him and he deposed a fabricated story.

20. P.W. 7, Niraj Kumar , son of the informant , stated in his examination in chief that the occurrence was occurred on 3 November 2017 at 5:30 pm. He was at home at the time. His father, Krishna Mahto, had withdrawn money from the bank. Ram Janma

Mahto stopped him and asked him not to go that way. He said why he shouldn't go that way. Ram Janam Prasad then began assaulting him. Those assaulted him included Ram Janam Prasad, Ram Babu Prasad, Ashok Prasad, Vijay Prasad, Raj Kumar Manjhi, Dhanesh Manjhi, Teni Manjhi, Shailesh Manjhi, Raghuvar Manjhi, Satyendra Manjhi, Nagendra Manjhi, Ekbal Manjhi, Gaddu Manjhi, Ranjit Manjhi, Ram Kishun Manjhi, and Deepak Kumar. They were all beating him with iron rods and sticks. He was also injured on his thigh and back. He further stated that his father, Krishna Mahto, had withdrawn one lakh rupees from the State Bank. Sunil Kumar Mahto, Munna Mahto, Teras Mahto, Jaglal Mahto, and Geeta Devi were also injured. His grandmother Gyanti Devi, was also injured. All the injured were treated at the Masrakh Government Hospital. From Masrakh Hospital, treatment was transferred to Chapra Hospital and from Chapra to Patna. He claims to identify the accused persons.

21. In cross examination on behalf of defence he stated that he is a student of Class VII at Higher Secondary School, Bahuara. His date of birth is 01.01.2007. He didn't go to the bank. He saw the notes falling. Two bundles of five hundred rupee notes fell, and Ramkumar Manjhi picked them up. He further stated he arrived five minutes after Ram Janam Prasad blocked his father's way. His father was lying there. He had suffered a head injury. There was blood on the ground. Blood was spilled on the ground in a few small areas. He further stated that near the place of occurrence there are the house of Rajendra Prasad, the house of Gauri Shankar Prasad and the house of Tufani Prasad. He further stated that these near people did not reach the place of the fight. He further stated that there is a land dispute between his father and Ram Janam Prasad. He cannot provide the land records or Khasra details. The disputed land is behind his house. He stated the boundaries as in north -Rajendra Prasad's house, in south- Ram Janam Prasad's house with a terrace on the boundary of that land, in east- Gauri Shankar Prasad's thatched house, and in west - is Teras Mahto's house. He further stated that his father arrived south of accused persons' house when a quarrel broke out. He cannot tell the exact location of the quarrel. He further stated that the Daroga Ji arrived at the place of occurrence two months later. He was shown the blood. He further stated that Mashrakh Hospital is thirty kilometers from home. He and others went to the hospital by car. Everyone went together. They arrived at the hospital at six o'clock. My father was admitted there. They were also hospitalized for two days. He further stated that accused persons were taking any treatment. Accused persons were not injured. He further stated that there were nineteen to twenty people

at the place of occurrence and when he arrived, accused persons were also there. No one from the village intervened. Krishna Mahto was unconscious. He regained consciousness in the hospital. He denied that no such incident has taken place as stated by him and his father has filed a false case to escape from the case filed by the accused persons.

22. P.W.8, Krishna Mahto stated in his examination in chief that he is the informant in this case. This occurrence was occurred on November 3, 2017, at 5:30 in the evening. He was returning after withdrawing one lakh rupees from the Basantpur State Bank. On the way, Ram Janam Prasad stopped him and asked him not to go by this way. When he asked why, he said, "This is my land, you must not go this way." He then began to assault him. Ramjanam Prasad, Rambabu Prasad, Ashok Prasad, Vijay Prasad, Raj Kumar Manjhi, Dhanesh Manjhi, Teni Manjhi, Arjun Manjhi, Shailesh Manjhi, Vijay Prasad, Ravindra Manjhi, Deepak Kumar, Jitendra Manjhi, Nagendra Manjhi, Shatrughan Manjhi, Govind Manjhi, Ram Iqbal Manjhi, Guddu Manjhi, Satyendra Manjhi, Raghuvar Manjhi, Ram Kishun Manjhi, all these people surrounded him suddenly and Raj Kumar Manjhi had a rod in his hand, Dhanesh Manjhi also had it in his hand, Ram Kishun Manjhi also had it in his hand. He further stated that Rajkumar Majhi attacked him with a rod with intention to kill him. Raghuvar Majhi also assaulted him with a rod. Nagendra Majhi assaulted him by stick. He further stated that they assaulted and had beaten him badly with sticks and rods, injuring him. He further stated that Rajkumar Manjhi had snatched rupees one lac from him, which he was carrying it from the bank. He further stated that besides him Gyanati Devi, Ramchandra Mahto, Sunil Mahto alias Bigan Mahto, Munna Mahto and Niraj Kumar who came to rescue him, they were also beaten with sticks and rods by the accused persons and injured. He also stated that Dhanesh Manjhi snatched the mangalsutra from his mother's neck. He further stated that the he and others were treated at Mashrakh Hospital. Daroga Ji had taken their statements there. Daroga Ji read and explained the statement, and after finding it correct, he signed that. He identified his signature, marked as Ext.P-7. He also identified signature of Jaglal Mahto on fer beyan, marked as Ext.P-8. He further stated that from Masrakh Hospitat, then he was referred to Sadar Hospital Chapra and due to his condition, from Chapra he was sent to PMCH, Patna where he was treated till nine months. He claims to identify the accused persons.

23. In cross examination he stated that the reason for the incident was that Ram Janam Prasad had stopped his way and asked him that he should not go and said, "This is our land, we will not let you go." Then he replied, "This is the road." Ram Janam Prasad started to assault him. In response to the question, "What is the relationship between Ram Janam Prasad and Raj Kumar?", the witness stated that both of them live in the same area. Their homes are approximately 100 meters apart from my house. Ram Janam Prasad and Raj Kumar Manjhi's houses are nearby. He further stated that he was coming from the State Bank. He had withdrawn one lakh rupees. He has the receipt for the withdrawal. The receipt is already in the court records. He was first assaulted by Raj Kumar Manjhi, who was armed with a rod. He had previously had a fight with Ram Janam Prasad. He further stated that he was fallen down after being assaulted and became unconscious and remained unconscious for a minute or two and while he was unconscious, they took the money from his hand. He further stated that the accused persons had also filed a case against them for the incident on the same day and Harijan Act case was filed after two years. He further stated that the blood also spilled from my body at the place of occurrence, was on his cloth, he shown the cloth Daroga and blood fallen on the place of occurrence, he had not seized the blood stained cloth. He further stated that after ten days of first his statement at the hospital, he gave another statement, he was conscious when he arrived at the hospital. He was unconscious for four or five minutes at the place of occurrence. He further stated that during fight 23-24 people had gathered there. In addition to these 23-24 men, four other villagers were also present. These four men had not made attempt to break up the fight, they had watched only. He further stated that Ram Ekbal Manjhi's hand was injured. His left hand was injured. Ram Ekbal Manjhi. The skin was peeled off, and blood oozed out. Ram Ekbal Manjhi. He denied that he assaulted Ram Ekbal Manjhi by spear had hit Ram Babu Prasad. He had hit him with a stick. Ram Ekbal Manjhi was stabbing the man who had stabbed him. He was injured by the same stick. He further stated that Ashok Prasad was throwing stones from a distance of five feet from him. His brother was injured by the stones, he was not injured by any stones. He further stated that even if the informant withdraws his claim on the land over which the dispute was arisen, the case will not be settled by him. we will not settle the case. He further stated that his mother has the receipt for my mother's mangalsutra, he can file. He further stated that his brother Surendra Kumar was the first person from my house to reach at the place of occurrence scene of the incident. He further stated that Ramkishun Manjhi carried a rod. Yogendra

Manjhi carried a stick. Guddu carried a stick. Dhanesh Manjhi carried a rod. Nagendra Manjhi carried a stick, everyone assaulted his family members . He further stated that he was assaulted with three rods by Rajkumar Manjhi, one by Dhanesh Manjhi, and two by Ramkishun Manjhi and his head was wounded on four places . He denied that no such incident was held as he deposed and to save skin from case of accused persons Mashrakh P.S. he had filed Case No. 344/19, he had filed this false case and he wants to forcibly make a road in the land of accused persons and this case has been filed for only road. Mudalah people and this case has been filed only for the road.

24. P.W. 9, Munna Kumar Mahto stated in his examination in chief that the occurrence occurred on 3 November 2017 at 5 pm. He was at home . Krishna Mahato was returning from the bank when Ram Janam stopped him and told him not to go that way. Ram Kishun Manjhi, Raj Kumar Manjhi, Arjun Manjhi, and Ram Janma began to assault him with rods. He further stated that except these two people and the rest were assaulting with sticks. Ravindra Majhi, Nagendra Majhi, Ram Ekbal Majhi, Guddu Majhi, Satyendra Majhi, Dhanesh Majhi, Dinesh Majhi alias Teni, all of them were carrying sticks. He further stated that Ran Janam Prasad's son Ram Babu, Vijay Prasad, Ashok Prasad and one or two other men were there. He further stated that when, he his mother, Gyanti Devi, Ramchandra Mahto, and Sunil Mahto arrived at the place of occurrence, they had already vehemently assaulted Krishna Mahto. When they tried to lift Krishna Mahto, these ten or twelve men began assaulting them with sticks and large rods. He further stated that the witness and others started running here and there. Krishna Mahto was fallen unconscious. Even after that, the accused continued to assault , he was also injured. Ramchandra Mahto and Sunil were also injured. His mother, Gyanti Devi, was also injured. He further stated that , Jaglal Mahato took them to the government hospital for treatment. After receiving treatment in Mashrak, Krishna Mahto regained consciousness and asked, "Where is the bag containing the money he had with him?" Krishna Mahato explained that he had brought the money from Basantpur, and it contained one lakh rupees. aDuring the assault , the accused persons took that and golden mangalsurtra of his mother. He further stated that four people were treated in Chapra Ram Chandra Mahato, Gyanti Devi, Sunil Kuma Mahato, and he himself . Krishna Mahto was treated at the Patna PMCH. He claims to identify the accused persons.

25. In cross examination on behalf of defence he stated that Ram Janam Manjhi and others had filed a case against them , the counter number is not known to him. He further stated that there is a long-standing dispute between the two sides regarding the way. Both sides have claim of ownership of that way the way is private and accuses persons are denying going by the way and accused persons are claiming that the said land belongs to them and he says that the road is a public road. He further stated that he cannot tell that against how many persons, Krishna Mahto had filed the case, may be fifteen -seventeen persons. He further stated that when reached at the place of occurrence, there were total four persons . He further stated that he remained in jail till twenty four-twenty five days and after being released from jail he had not met Daroga Ji, daroga Ji had taken his statement at police station. He also stated that he cannot tell, his statement of police station was written by Daroga Ji or not and he signed or not. He further stated that no villager came to end the assault. He further stated that the dispute was held at the door of Ram Janam towards south of way. He denied that way is private way of accused persons and he and others want to possess forcefully.
26. P.W. 10, Shanti Devi called as Gyanti Devi stated in her examination in chief that at the time of occurrence he was at her door , her eldest son Krishna, was returning after withdrawing one lakh rupees from the Basantpur Bank. Rajkumar Manjhi asked him not to go that way, on this , he was abused and assaulted. She further stated Ram Janam Mahto, Raghuvar Manjhi, Dinesh Manjhi, Guddu Manjhi, Ramkishun Manjhi, and Shailendra Manjhi carrying sticks , assaulted him. Bigan, Suraj, and Munna were also injured by the sticks. They also beat her with sticks on her hands, ankles, and legs. Because of that assault those she is now disabled. She cannot walk on her own and she is brought by her son to court in his arms and by his car. She and others were treated at Mashrakh and and then treated at the Chapra Government Hospital and after that due to serious injuries refereed to PMCH. She also stated that Krishna Mahto's head was torn at five places, he was treated at PMCH. She claims to identify the accused persons.
27. In cross examination on behalf of the defence she stated at the time of assault , she was unwell and unwell since the assault, she is still undergoing treatment. She have been treated by Rajesh Doctor, Ayurveda in Mashrak, and a doctor in Isuapar. She cannot submit the treatment report to the court\, she had not kept the report properly. She further stated that the case has been filed against a total of eight people. She

cannot say how many people were gathered there. She was assaulted by Raghuvvar Manjhi's son. She further stated that there is dispute for way. She denied that she had not seen the occurrence as she deposed and the fake injuries are prepared .

28. P.W. 11 , Kirni Kumar , I.O. of the case deposed that occurrence was not occurred, on 03.11.2017, he was posted as ASI at Masrakh, P.S. On that day, Krishna Mahto's statement was taken by SI P. N.Singh at PHC Masrakh. He identified his signature , marked as Ext.P-9 . He also the signature of Jaglal Mahto on ferd beyan , marked as P.W.10. On Krishna Mahto's statement, Mashrak Police Station Case No. 316/2017 dated 03.11.2017 was registered under sections 147, 148, 149, 341, 323, 307, 504, 506 of the IPC. He identified the writing and signature of SI-cum- SHO , Mashrakh Ajay Paswan , marked as Ext.P-11. He also identified the signature of SHO Purshottam Singh on formal FIR , marked as Ext.P-12. He further stated that he was entrusted for investigation. During the investigation, he first visited the place of occurrence, he recorded the informant's statement again. He then inspected the place of occurrence . He stated that in north- is Rajendra Prasad's brick and tar house, in south is Ram Janam Prasad's brick and tar house, in east is Gaurishankar Prasad's thatched house and in west is accused person land. of the accused's land. After that he recorded the statements of witnesses Sanjay Mahto, Deep Chand Mahto, and Madho Nat. All witnesses fully supported the incident. Accused persons Ram Janam Prasad, accused Arjun Manjhi, accused Dhanesh Kumar, accused Nagendra Manjhi, accused Satyendra Manjhi were arrested. After that, he returned to the police station. He obtained the injury reports of the injured Munna Mahto, Niraj Kumar, Suraj Kumar, Teras Mahato, and Gyanti Devi from Masrakh PHC. On basis of the inspection of the place of occurrence, the injury examination report, the statements of witnesses, and the orders of the senior officer, charge sheet no. 327/2018, dated 31.08.2018, was submitted in this case under sections 147, 148, 149, 341, 323, 307, and 504 of IPC. He identified his writing and signature on charge sheet , marked Ext.P-13 and he also identified the signature of SHO , Ajay Paswan on forwarding , marked as Ext.P-14 (Changed Ext.P-13/1) .

29. In cross examination on behalf of defence he stated that he had investigated the case himself. No material of assault was found at the place of occurrence. He further stated that the informant Krishna Mahto's statement was taken again at his home on

03.11.2017. The informant named Ram Janam Prasad, Ekbal Manjhi, Ramkishun Manjhi, Arjun Manjhi, Yogendra Manjhi, Rambabu Prasad, Vijay Prasad, Ravindra. In his statement again, the informant named accused Ram Janam Prasad, Ekbal Manjhi, Rajkumar Manjhi, Teni alias Dinesh Kumar, Dhanesh Kumar, Deepak Kumar, Jitendra Manjhi, Nagendra Manjhi, Shatrughan Manjhi, Govind Manjhi, Guddu Manjhi. He further stated that he had tried to record the statement of the people present at the place of occurrence as like Rajendra Prasad, Ram Janam Prasad and Gaurishankar Prasad. He further stated that after the recording the statements of witnesses Sanjay Mahto, Deepchand Mahto and Madho Nat, he had not obtained their signatures. In response to the question whether their signatures should be obtained or not, the witness said that he did not know. He further stated that Jaglal Mahto signed in his presence. He also went to the hospital. He did not examined all the injured. He had not seen both sides in the hospital. He did not record the statement of SI Purushottam Narayan Singh, who took the statements. He arrived at the place of occurrence at 10 p.m. The accused persons were not at home. He further stated the dispute was held in both sides for money. He denied that his investigation is faulty, and he had filed the charge sheet in collusion with the accused persons.

30. Learned Defence counsel on behalf of accused persons argued that the case is false . He argued that on same day occurrence , the case has also been filed on behalf of informant Laxmina Devi as Mashrakh P.S, case 315/2017 dated 03.11.2017 Ext.A against Ramchandra Mahto@ Teras Mahto , Krishna Mahto , Bigan Mahto , Munna Mahto , Jaglal Mahto , Gyanti Devi , Sangita Devi w/o Krishna Mahto and Rita Devi w/o Jaglal Mahto and on that day the informant and other of this case attacked Laxmina Devi and others. He argued that the accused persons of the case filed by Laxmina Devi , are witnesses in this Masharkh P.S. case no. 316/2017 . He argued that the FIR was lodge before the FIR lodged by the informant of this case. He argued that in this case all witnesses are the family members of the informant and no independent witness has been appeared before the court for examination. He also argued that the false case has been filed to save the skin from the case filed by Laxmina Devi. Ld Defence Counsel also argued that the injuries produced on behalf of the prosecution are fake and manufactured. He also argued as in ferd beyan it is stated by the informant Krishna Mahto , that the dispute was started for the way , then how it is possible that in sudden quarrel , the intention to murder arises . He argued that the allegation to form unlawful assembly is false . He argued that as alleged in

sudden incident , how the unlawful assembly can be constituted . He also argued firstly the FIR was that the injuries are found simple in nature to all the injured persons. Ld Defence Counsel also lodged against twenty persons and the charge sheet was filed against nine accused persons and thirteen accused persons were not found involved in the incident and later on one accused has been died. Ld Defence Counsel also argued that the informant and prosecution was not clear about involvement of accused persons . Ld Defence Counsel also argued that witnesses had deposed contradictory statement as some stated that money was fallen and that was picked up by accused Ram Janam Prasad , where some stated that the rupees were snatched. He also argued that Jaglal Mahto , whose signature on ferd beyan , is identified by the I.O. of the case had not appeared for evidence , it creates doubt.. He argued that as stated in FIR and also by witnesses for bleeding, but no blood stained cloth and no sign of assault was found by I.O. on place of occurrence as he stated as P.W. 11. He also He argued that there are contradictions in the statement of witnesses regarding the timing , manner and sequences of the occurrence, as alleged in the prosecution story. Ld Defence Counsel also argued that the prosecution has failed to prove the charges of formation of unlawful assembly , rioting, assaulting and attempt of murder against the accused persons . He also argued that the prosecution has failed to prove the case against the accused persons beyond all shadows reasonable doubt and accused persons are entitled for benefit of doubt.

31. Learned A.P.P. on behalf of the prosecution argued that in this case, the allegations are proved as the witnesses had supported the charges and deposed that informant and his other family members were assaulted by the accused persons. Ld. A.P.P argued that the all the witnesses had supported the charges . He argued that the accused persons assaulted the informant and others jointly by forming unlawful assembly and they assaulted the informant Krishna Mahto, his son, his brother, his mother and father. Ld. A.P.P. argued that all the witnesses had deposed the manner and sequence of occurrence . He argued that the medical witness P.W.4 has deposed that the informant was received grievous injury and as Ext.P-1,1/1.2,3,4 , 5 and 6 it is proved that accused persons assaulted vehemently . Ld. A.P.P. argued that the case file by the informant was found true as per testimony of the I.O. of the case P.W.11 . Ld. A.P.P. argued that the prosecution has proved the case regarding constitution of unlawful assembly, assaulting the informant and his family member , committing offence of attempt to murder against the accused persons and accused persons are liable to be

punished .

32. Heard both the sides and perused the record. In this case accused persons are facing trial for the offence 307,147,148,323,504/149 of IPC . To prove the charges, the prosecution has to establish as per oral and documentary evidence , that the accused persons committed the offence jointly in persuasion of common object of unlawful assembly .
33. During trial of this case prosecution has produced altogether 11 witnesses of which 02 witnesses P.W.4 and P.W.11 are official witness. Other witness as P.W.8 is the informant, P.W.5 is father of the informant, P.W.6 is brother of the informant, P.W.7 is son of the informant , P.W.9 is brother of the informant , P.W.10 is mother of the informant. P.W.3, has declared hostile .
34. As for as the charges u/s As for as charges u/s 147,148,504/149 of IPC are concerned. Now in this case the section 149 is be to discussed first . The sections are relating the offences , which are being done jointly and are also fixing the liability , those who are committing the offence jointly. **Section 149 of IPC establishes vicarious liability for every member of an unlawful assembly if an offence is committed in prosecution of the assembly's common object. It essentially holds all members of a group responsible for the crime committed by any single member, provided they shared the same objective. Section 141 of IPC defines an "unlawful assembly" as a group of five or more people whose common object is one of the following: to overawe the government or any public servant, to resist the execution of any law or legal process, to commit mischief or trespass, or to use criminal force to deprive someone of a right. This section criminalizes such assemblies, which have a common intention to disturb public peace and tranquility.** In this case the FIR was filed against twenty accused persons on the basis of ferd beyan of the informant Krishna Maht8 P.W.6, and then after the investigation the Charge sheet was filed against nine accused persons and other thirteen accused persons' involvement was not found in the occurrence . As per statements of the witnesses , there are only statements regarding that due to sudden quarrel for way the incident was occurred and all accused persons assaulted the informant and his father and other injured persons. Therefore it is clear that the informant and the prosecution was not clear about the numbers of the accused persons , who were involved in the occurrence. .

35. In this case , as per ferd beyan, firstly the informant was asked by accused Ram Janam Prasad, not to pass from his door . Then other accused persons came with sticks and ross. It has come there land was dispute regarding the way. There is also FIR related with same day occurrence from the other side as Ext.A.. It is also alleged that other accused persons came there and they assaulted the informant and others. It has also come that no witness has stated about any words of abusing, which were used and it has also not proved that who abused in what manner. It appears that there is no formation of the unlawful assembly. On perusal of statements of the witnesses, it has come that the who assaulted in what manner is not stated by the witnesses. There are omnibus allegations against the accused persons. It has been held in catena of judgments of the Hon'ble High Court and Hon'ble Apex Court that mere omnibus allegation can not be basis to convict any person. There must be clear fact related with common object of unlawful assembly for conviction u/s 149 of IPC. Before recording a conviction under Section essential ingredients of Section 141 IPC must be established. Therefore, it is established that for constitution of unlawful assembly, the facts related with the occurrence must be complied with the ingredient of unlawful assembly. And there must be evidence of the accused for some overt act done by him in the sequence of the occurrence. In sudden quarrel between the informant and others can not be a formation of unlawful assembly. This cannot be mere naming the persons and stating that they assaulted as were named in the FIR on basis of ferd beyan . In this case there is no evidence regarding formation of unlawful assembly and there is no material to show that all the accused persons shared in common object, the object itself not being proved and their participation in it is not made out by credible evidence. Without a clear finding regarding common object and participation therein by each one of the accused members, there can be no conviction with the aid of Section 149 IPC. The formation of unlawful assembly the ingredients of the section 141 of I.P.C. must be fulfilled, which are not fulfilled.

36. As discussed in aforesaid paras, the charges u/s 147,148,504/149 of IPC are concerned , the facts regarding formation of unlawful assembly , restraining , assault , attempt to murder , theft of Gun and abusing against the accused persons are not clearly established . The prosecution has failed to prove the charges against the accused persons beyond all shadows of reasonable doubt.

37. **As for as charged u/s 307,323/149 of IPC . Section 323 is related with voluntarily**

causing hurt and Section 307 is related with commission of offence attempt murder, which is defined as :-

Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to 1[imprisonment for life], or to such punishment as is hereinbefore mentioned. As for as offence 302 of IPC is concerned , the section provides the punishment of offence and Murder is defined in section 300 of IPC as :- 300. Murder.—Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death,

or 2ndly. If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or

3rdly, If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or

4thly, If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

38. In this case as per ferd beyan P.W.6, informant that he was assaulted by the accused persons when he was asked by accusec Ram Janam Prasad to not to pass his door. Then accused persons came being armed with sticks and rods . Accused Raj Kumar Manjhi assaulted on his head by rod. His head was torn. He also stated that he was assaulted by Raghubar Manjhi and Nagendra Manjhi also . The version of the informant as P.W.6 is also supported by the other witnesses that P.W. 1 his cousin , P.W.5 his father, P.W.6 his brother, P.W. 7 his son his father, P.W. 9 his brother and P.W. 10 his mother in their testimonies. They stated that Raj Kumar Manjhi assaulted the informant on his head by rod. These statements of the witnesses are also confirms the testimony of the medical witness P.W. 4 , who deposed that he examined Krishna Mahto and Injury no. 1 , Ext.1/1 as grievous . He stated that injury no.1 – Lacerated

wound over both side temporal region with clot , size about 2.5”x ½”x scalp deep , caused by blunt edged object. Opinion reserve for CT scan of brain and in supplementary report injury no.1 of Krishna Mahto , according to PMCH radiologist written by radiologist. Evidence of scalp hematoma left high parietal region. Nature of injury grievous. It is true that P.W.11 had not found of any goods related with quarrel on the place of occurrence as he deposed. But considering all the oral and documentary evidences as medical and treatment papers Ext.14 as slip no. 36830 dated 03.11.2017 regarding treatment of Krishna Mahto , Ext. 16 as slip no. 36831 dated 03.11.2017 regarding treatment of Krishna Mahto, Ext. 17 as slip no. 5778 dated 13.03.2019 regarding treatment of Krishna Mahto, Ext.21 of Cash Memo no.13717 dated 08.11.2017 of Rs.900/- related with NCCT Barin of Krishna Mahto and Ext.22 as Cash Memo of Dayawan Medico dated 10.11.2017 related medicine of Krishna Mahto also confirm that the informant Krishna Mahto received head injury by assault caused by the accused Raj Kumar Manjhi. It is true that all the witnesses except witnesses , P.W.3 and 4 are the close relatives of the informant . Where it was stated that the villagers came at time of occurrence , but it is established principle that the testimonies of the close relatives cannot be ignored. Other injured persons as P.W.5, father of the informant , who stated that Ashok Prasad assaulted him. All other witnesses P.W.6 , P.W.7, P.W.9 and P.W.10 stated that they were assaulted by accused persons. The documentary evidence as injury reports Ext. 2,3,4,5 and 6 are about the injuries of P.W.9, 7, 6,5 and 9 , as stated by medical witness . The witness P.W. 1 stated that who assaulted whom how many times, is not known to him. The other names of accused persons specifically, were stated in the depositions are names of accused Nagendra Manjhi and Ashok Prasad . Witness P.W.8 stated that Nagendra Manjhi assaulted him and P.W. 5 stated that Ashok Prasad assaulted him. No names of other accused persons, who are facing trial, are stated by any witness specifically. The informant as P.W. 8 also accepted accused the hand of accused Ram Ekbal Manjhi was injured . On perusal of Ext.A , c.c. of same day FIR on behalf of the other side Mashrakh P.S. case 315/2017 dated 03.11.2017 which is pending also it depicts that there was sudden fight and persons of both sides were named . It has come that the dispute was about the way . It is established principle that mere naming of the accused persons in sudden fight , who are neighbors and there is no overt act specifically cannot be basis of the in finding the guilty . But in this case , it is proved that accused Raj Kumar Manjhi assaulted the informant Krishna Mahto on his and caused grievous hurt.

39. The offence u/s 307 of IPC defines the act of attempt of murder . The offence murder is defined u/s 300 of IPC and there must be ingredient of intention of commission of murder. As per evidence oral and documentary on record it has come the informant received grievous injury in sudden fight , which was initiated in dispute of way . In this situation it is difficult to conclude that there was intention of Murder by the accused . The intention must be with motive and preparation . Accused raj Kumar Manjhi caused head injury by rod on head of the informant in sudden fight . The intention and injury can be assured by the act and means , which is used by the accused . In this case the injury no. as Ext/1/1 is only injury which is found grievous. In this case all the facts and circumstances attract the offence u/s 325 of IPC , which reads as **325. Punishment for voluntarily causing grievous hurt.**—
Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine . Section 320 defines ' Grievous Hurt as **320. Grievous hurt.**
—*The following kinds of hurt only are designated as “grievous”:*—

First.—Emasculation.

Secondly.—Permanent privation of the sight of either eye.

Thirdly.—Permanent privation of the hearing of either ear.

Fourthly.—Privation of any member or joint.

Fifthly.—Destruction or permanent impairing of the powers of any member or joint.

Sixthly.—Permanent disfiguration of the head or face.

Seventhly.—Fracture or dislocation of a bone or tooth.

Eighthly.—Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuit.

40. As per aforesaid discussion the court reaches on conclusion that there is neither any convincing oral or documentary evidence nor proof on behalf of the prosecution by which the charges u/s 307,147,148,323,504/149 of IPC can be proved against the accused persons Ram Janam Prasad A1 , Ram Babu Prasad A3, Ram Ekbal Manjhi A4, Dhanesh Manjhi A5, Satyendra Manjhi A6 , Guddu Prasad A7 and Arjun Manjhi A8. But the prosecution has successfully proved the charges u/s 323 of IPC against the accused Nagendra Manjhi A9 and charges u/s 325 of IPC against the accused Raj Kumar Manjhi A2. As concluded -

(a)The oral evidence was corroborated by the medical witness P.W.4 and Injury report Ext.1/1, it is apparent that injuries sustained by the informant Krishna Mahto

P.W.8 on his head “ Lacerated wound over both side temporal region with clot , size about 2.5”x ½”x scalp deep , caused by blunt edged object” and as per radiologist report “Evidence of scalp hematoma left high parietal region. Nature of injury grievous.”.

(b) Accused Nagendra Manjhi assaulted the informant Krishna Mahto and caused hurt to the informant .

Lastly as per aforesaid discussion the prosecution has successfully proved the charges u/s 323 of IPC against the accused Nagendra Manjhi (A9) and u/s 325 of IPC against accused Raj Kumar Manjhi (A2) . The prosecution has failed to prove the charges u/s 307,147,148,323,504/149 of IPC against the accused persons Ram Janam Prasad A1, Ram Babu Prasad A3, Ram Ekbal Manjhi A4, Dhanesh Prasad A5, Satyendra Manjhi A6 , Guddu Prasad A7 and Arjun Manjhi A8 beyond all shadows of reasonable doubt.

Order

Accordingly, as per aforesaid discussion the accused persons A1 Ram Janam Prasad , A3 Ram Babu Prasad , A4 Ram Ekbal Manjhi , A5 Dhanesh Manjhi , A6 Satyendra Manjhi, A7 Guddu Prasad and A8 Arjun Manjhi , are acquitted for the offence u/s u/s 307,147,148,323,504/149 of IPC . But the accused A2 Raj Kumar Manjhi is held guilty for offences u/s 325 of IPC and accused A9 Nagendra Manjhi is held guilty for charge u/s 323 of IPC . I convict them. Accused A2 Raj Kumar Manjhi and A9 Nagendra Manjhi are on bail. Their bail bonds are cancelled, they are taken in to custody. Order on sentence shall be passed later on after hearing.

Dictated by me

(Raghvendra Vikarm Singh Parmar)

Addl. Sessions Judge- IV

Saran

06.04.2026

(Raghvendra Vikram Singh Parmar)

Addl. Sessions Judge IV

Saran

06.04.2026

Hearing on Sentence

Later on

Date: 06.04.2026

Heard the parties on the point of sentence. Ld. A.P.P., argued that though , the convicts have do not deserve any leniency by this court . On the other hand Ld. Defence Counsel on behalf of convicts submitted that the convicts are only bread earner in their family. Both parties have village enmity . He also submitted that as per such mitigating circumstances the convicts deserve minimum punishment.

Heard both the sides and this has given anxious consideration to the aggravating and mitigating circumstances brought by the parties. Considering the aggravating and mitigating circumstances together with nature and circumstances of the case in totality, the convict A2 Raj Kumar Manjhi, is sentenced to undergo Rigorous Imprisonment of three years for life for the offense u/s 325 IPC and fine of Rs. 10000/- (Ten Thousand) and in case there is default in payment of fine, the convicts have to go undergo a further imprisonment for one month. The convict A9 Nagendra Manjhi is sentenced to undergo Simple Imprisonment of six months for the offense u/s 323 of IPC and fine of Rs. 1000/- (One Thousand) and in case there is default in payment of fine, the convicts have to go undergo a further imprisonment for 15 days .

The period already undergone in custody, directed to be set off against the sentences of above named convicts as mentioned.

Let a copy of this Judgment be provided at free of cost to the convicts.

Let a copy of this judgment be sent to the District Magistrate, Saran.

Let a copy of this judgment forwarded to DLSA, Saran for compensation.

Corrected by me

Dictated by me

(Raghvendra Vikram Singh Parmar)

Addl. Sessions Judge IV

Saran

06.04.2026

(Raghvendra Vikram Singh Parmar)

Addl. Sessions Judge IV

Saran

06.04.2026

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)
P.W.1	Sanjay Mahto@ Sanjay Kumar Mahto	Eye witness
P.W.2	Madhav Nut@ Madhav Prasad	Other witness
P.W.3	Deepchand Mahto	Hostile
P.W.4	Dr. Anisur Rahman Ansari	Medical Witness
P.W.5	Teras Mahto@ Ram Chandra Mahto	Eye witness
P.W.6	Sunil Kumar Mahto@ Sunil Kumar	Eye witness
P.W.7	Niraj Kumar	Eye witness
P.W.8	Krishna Mahto	Informant of the case
P.W.9	Munna Kumar Mahto	Eye witness
P.W.10	Shanti Devi as Gyanti Devi	Eye witness
P.W.11	Kirni Kumar	Police witness

B. Defence Witnesses,

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

C. Court Witnesses, if any: None

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

S.N.	Exhibit number	Description
1	Ext.P-1(PW-4)	Injury report of Krishna Mahto identified by P.W.4
2	Ext.P-1/1(PW-4)	Radiologist report of Krishna Mahto regarding NCCT identified by P.W.4
3	Ext.P-2(PW-5)	Injury report of Munna Mahto identified by P.W.4
4	Ext.P-3(PW-4)	Injury report of Niraj Kumar identified by P.W.4
5	Ext.P-4(PW-4)	Injury report of Sunil Kumar identified by P.W.4
6	Ext.P-5 (P.W.4)	Injury report of Teras Mahto identified by P.W.4
7	Ext.P-6(P.W.4)	Injury report of Gyanti Devi identified

		by P.W.4
8	Ext.P-7(P.W.8)	Signature of the informant on ferd beyan identified by himself P.W.8
9	Ext.P-8(P.W.8)	Signature of the Jaglal Mahto on fer beyan identified by P.W.8
10	Ext.P-9(P.W.11)	Signature of SI P.N. Singh on ferd beyan identified by P.W.11
11	Ext.P-10(P.W.11)	Signature of Jaglal Mahto on ferd beyan identified by P.W.11
12	Ext.P-11(P.W.11)	Writing and Signature of SI-cum-SHO Ajay Paswan on endorsement on FIR identified by P.W.11
13	Ext.P-12(P.W.11)	Signature of SHO Purushottam Singh on formal FIR identified by P.W.11
14	Ext.P-13(P.W.11)	Writing and Signature of I.O. on charge sheet identified by P.W.11 himself
15	Ext.P-13/1(P.W.11)	Signature of SHO Ajay Paswan on forwarding of charge sheet identified by P.W.11
16	Ext.P-14	slip no. 36830 dated 03.11.2017 regarding treatment of Krishna Mahto,
17	Ext.P-15	Slip no. 2712 dated 03.11.2017 regarding treatment of Sunil Kumar.
18	Ext.P-16	slip no. 36831 dated 03.11.2017 regarding treatment of Krishna Mahto,
19	Ext. P-17	slip no. 5778 dated 13.03.2019 regarding treatment of Krishna Mahto ,

20	Ext.P-18	slip no. 2714 dated 03.11.2027 regarding treatment of Gyanti Devi.
21	Ext.P-19	slip no. 30833 dated 03.11.2027 regarding treatment of Niraj Kumar,
22	Ext.P-20	as cash memo in name Sukhari Mahto dated 21.03.2017,
23	Ext.P-21	Cash Memo no.13717 dated 08.11.2017 of Rs.900/- related with NCCT Barin of Krishna Mahto,
24	Ext.P-22	Ext.22 as Cash Memo of Dayawan Medico dated 10.11.2017 related medicine of Krishna Mahto
25	Ext.P-23,24,25 and 26	as statements of Bank account dated 21.02.23 of Krishna Mahto and Sangita Mahto

B. Defence

S.N.	Exhibit number	Description
1	Ext. A	c.c. of Masharakh P.S. case 315/2017 dated 03.11.2017 with objection
2	Ext. B	c.c. of Charge Sheet no. 153/2018 dated 25.05.2018 with objection
3	Ext. C	c.c. of Masharakh P.S. 344/2018 dated 08.10.2018 case with objection
4	Ext. D	c.c. of Charge Sheet no.297/2019 dated 31.09.2019 with objection

C. Court Exhibits: None

D. Material Objects: None

Additional Sessions Judge IV

Saran