

FORM A

District- Saran at Chapra

The Court of Mritunjai Singh, 1st Additional Sessions Judge, Saran at Chapra

Present :- Mritunjai Singh
Ist Additional Sessions Judge,
Saran at Chapra

**Children Court.Case No.-05/2023
CIS-05/2023**

**Daudpur PS Case No. 287 of 2022
Date of Judgment-06-03-2026
U/ss- 302/34 and 120(B)/34 of IPC**

State (through Informant Ashok Kumar Singh, son of late Punyadev Singh, r/o-village-Kharrahiya, PS- Daudpur, District- Saran)

-----Prosecution

versus

1. XXXX
2. XXXX

----- Juveniles/Accused persons

Ld. counsels:-

For Prosecution-Shri Mithilesh Kumar Singh, Id. SPP
Shri Akshaya Narayan Singh, Id Adv

For accused - Shri Dinesh Kumar Singh Kaushik, learned advocate

FORM B

Date of offence:-07-10-2022

Date of FIR:-07-10-2022

Date of charge-sheet:-27-01-2023

Date of framing of charge:-19-04-2023

Date of commencement of evidence:-06-07-2023

Date of which judgment is reserved:-20-02-2026

Date of judgment:-06.03.2026

Date of sentence, if any:-

Juvenile's Details

Rank of Juveniles:-A1 and A2

Name of Juveniles:-A1-XXXX and A2-XXXX

Offences charged with:-**302/34 and 120(B)/34 of IPC**

Whether acquitted or convicted:-convicted

Sentence imposed:-

JUDGMENT

1. The above mentioned Juveniles in Conflict with Law (hereinafter known

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1. The above mentioned Juveniles in Conflict with Law (hereinafter known as "JCL") namely Xxxx in judicial custody (hereinafter also referred as A-1 and A-2)) are facing trial in this **Daudpur PS Case No. 287 of 2022** for the offences under sections **302/34 and 120(B)/34 of IPC**. Contents of charge have been read over and explained to JCL in Hindi on 19.04.2023 to which they pleaded not to be guilty and claimed to be tried.

2. **Brief case of prosecution:-**Ashok Kumar Singh is the informant of this case. On 07.10.2022 at 9.50 AM Raj Ranjan Singh, the son of the informant talking on the mobile went to Brahmasthan situated at a distance of 100 meters in south direction of his house. After some time the informant heard the cry of his son. The informant, his sons namely Rajiv Ranjan Singh and Ravi Ranjan Singh, his namely wife Gita Devi went there and saw that his co-villagers namely 1. Basanti Devi was catching his arm and was crying to assault him with knife, 2. Dhananjay Kumar Singh @ Nanhaki, 3. Yashwant Singh @ Misra, 4. Aman Kumar Singh, 5. Anuj Kumar Singh were assaulting his son with knife. They requested them not assault Raj Ranjan Singh with knife, but, in the meantime, they had inflicted knife blows to him. Thereafter, they fled away towards south on bikes. During course of treatment Raj Ranjan Singh died.

3. On the basis of above mentioned petition of informant, instant case has been registered as Daudpur PS Case No. 287 of 2022 dated 07.10.2022 registered under sections 302, 120(B), 34 of IPC. Charge-sheet bearing no. 16/2023 was submitted against JCL on 27.01.2023 under sections 302, 120(B), 34 of IPC. Subsequently, cognizance in this case has been taken on 20.03.2023. JCLs took plea of being juveniles on 04.08.2023. Their case record was split up and sent to Juvenile Justice Board. JCLs have been declared juvenile on 09.02.2023 by learned JJB finding their age 17 years 05 months and 02 days and 17 years 4 months 12 years on the day of alleged incident. Their case record has been sent to this Court. Subsequently, JCLs have been found to be normal and competent to understand nature and consequence of offence alleged against them and order of

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learned JJ Board has been confirmed by this Court vide order dated 05.04.2023. Accordingly, charge has been framed against them on 19.04.2023 under sections 302/34 and 120(B)/34 of IPC.

4. To corroborate charges levelled against JCLs, following oral evidence has been adduced by the prosecution:-PW1. Gita Devi, PW 2. Rajiv Ranjan Singh, PW 3 Ravi Ranjan Singh, PW 4 Dr Aman Kumar (official witness), PW 5 Ashok Kumar Singh @ Ashok Kumar (the informant of this case) and PW 6 Birendra Ram (official witness).

5. Following documentary evidences have been adduced on behalf of prosecution to corroborate charges against JCL:-

1. Exhibit P-1/PW 4 is signature of this witness on copy of postmortem report
2. Exhibit P-2/PW 5 is writing and signature of the informant on his application.
3. Exhibit P-3/PW 5 is his signature on the inquest report.
4. Exhibit P-4/PW 6 is his endorsement on written application
5. Exhibit P-5/PW 6 is his signature on formal FIR
6. Exhibit P-6/PW-6 charge-sheet

6. Subsequently, statement of JCL under section 313 of CrPC has been recorded on 29.04.2025.

7. Any kind of oral or documentary evidence has not been brought on record by JCLs.

8. Learned counsel for JCL submitted that charge against them has been framed under sections 302/34, 120(B)/34 of IPC. Prosecution witnesses have given contradictory evidence. PW 5 is the informant. Official witness PW 4 and PW 6 are official witnesses whose evidences are of limited scope. Hence, it has been prayed

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by him to acquit JCLs from charges framed against them. The JCLs are in custody since long.

9. On the other hand, learned Special Public Prosecutor appearing for State has submitted that framed charge has been supported by the prosecution witnesses. Informant, IO and doctor have been examined who have corroborated prosecution case. Hence, it has been prayed by him to convict JCLs as per charge framed.

10. Now, the point for consideration is whether prosecution has been able to prove charge levelled against JCLs beyond all shadows of reasonable doubts or not?

11. Heard learned counsel for both sides and perused materials available on record. Informant of this case namely Ashok Kumar Singh @ Ashok Singh has been examined as PW 5 who has supported the prosecution case by getting his signature on the application exhibited as P-2 in examination-in-chief. In his cross-examination he has deposed that he is the informant of this case. The occurrence is of 07.10.2022 at 9 AM. At that time he along with his wife and sons. At that time his younger son namely Raj Ranjan went to Brahmasthan situated in south direction at a distance of 100 meters. After some time he heard the cry of his younger son whereupon he, his wife and his sons reached there and saw that Basanti Devi had caught the hands of Raj Ranjan. On the order of Basanti Devi 1. Dhananjay Kumar @ Nanhaki, 2. Jaswant Kumar @ Sanni Raj, 3. Aman Kumar Singh and 4. Anuj Kumar Singh assaulted indiscriminately upon Raj Ranjan and thereafter, they fled away towards south direction on bike. After wrapping cloth over the wounds they took the injured to their house, but, on the way Raj Ranjan fell down. Thereafter, the family members of the injured took him to Ekma hospital where the doctor declared him dead. The Ekma and

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the Daudpur police came to the hospital and took the dead body under possession. There is a government middle school adjacent to his house in which the accused persons used to play obscene songs loudly on mobile and take ganja, bhang, wine etc for which the informant forbade them, but, in vain. Raj Ranjan was a student of b-tech computer science in Kolkatta who had come home during dussehra holidays. He was ignorant from the activities of the accused persons. On 05.10.2022 the accused persons were playing obscene songs loudly on mobile taking ganja, bhang, wine etc in the government middle school for which Raj Ranjan forbade them. On 05.10.2022 in the evening Basant Devi exchanged hot talks with the informant and threatened him to face dire consequence. Previously, a dispute was held in between them during assembly election. Further, the informant has identified his signature of the written application marked as Ext-P-2. He has further identified his signature on inquest report marked as Ext. P-3.

During cross-examination by the defence this witness has deposed that the distance of the hospital from the place of occurrence is 7 kilometer. On 01.08.2024 he has deposed that there are altogether 200-250 houses in village Kharrahiya Tole Khunt Karahawa. The population of the village is about 1400-1500. There are houses of Jitendra Singh, Santosh Singh, Rajesh Raut and Satendra Raut beside his house. There are houses of Jitendra Singh and Santosh Singh in north of his house and there are houses of Satendra Raut and Rajesh Raut in south and east of his house. There will be about 5-6 teachers and 100-150 students in the school. All the teachers are from outside. He has shown his inability to show the knowledge of school management. He has further deposed that he is a graduate honourese. He was not on talking term with the headmaster and the teachers of the school. He had talked them 2-1/2 years ago. At that time Bijendra Sir was the headmaster of the school. His house is in the north of the school. There

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is a five feet wide road in between the school and his house. There is a barren land of Ambika Singh in south in which there are two-four trees. There is a brick built road in east and in west there is clump of bamboos. He heard the cry of his son Raj Ranjan after 7-8 minutes of his departure from home. Brahmasthan is situated at a distance of about one hundred meters. The distance between of Brahmasthan and the school is 95 meters. Length of the school is 25 meters and width is 20 meters. The length is from the east to west. First of all he, his sons Rajiv Ranjan and Ravi Ranjan had arrived. His wife too had arrived from behind within thirty to forty seconds. Thereafter, many people arrived. Co-villagers had arrived after 5-7 minutes of their arrival. They were Naresh Singh and wife of Ugam Ram. They were not injured. When he reached the place of occurrence, he saw injuries on the body of his son Raj Ranjan which were 9-10 in number. Rajiv Ranjan wrapped banyan and gamachha over the wounds. He had gone 10-12 steps ahead from his house from Brahmasthan taking the injured. The place where he wrapped the bandage over the injury of the injured, that was five meters in north direction from Brahmasthan. The vehicle on which the injured, the son of the informant was taken to hospital, belonged to Sudhir Kumar Singh. The village Bishunpura is situated one kilometer north from his village. There are also vehicles in his village. After reaching hospital he phoned Daudpur police from mobile number 9336703661, but, the thana phone number is not in his memory. His son was treated at Ekma hospital for five to ten minutes and thereafter the injured was declared dead. He has the hospital prescription of the treatment of the injured. Ekma police had arrived first of all. Within ten minutes from his arrival to the hospital the sepoy superintendent of Ekma Anchal reached the hospital hearing about the incident. Further, he has deposed that sepoy inspector of Ekma Anchal has reached hearing the incident. The police party inquired from him about the incident, but, he is not

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aware whether inquiry was written down or not. Inquest report was prepared in the hospital. Thereafter police took the dead body to Sadar Hospital, Chapra for postmortem. After one hour of departure of Ekma police for postmortem the informant and his family members started for the hospital. They had reached Ekma hospital at about 10.30 AM. They started fro Sadar Hospital, Chapra at about 12.30 PM from Ekma. Daudpur police had reached Sadar Hospital, Chapra with them. None inquired in Sadar Hospital. After postmortem he with the dead body reached home, he met Daudpur thana incharge who inquired from him about the occurrence. He has not in memory as to whether the thana incharge wrote down the inquired facts or not. He cannot say as to whether the police had inquired from his family members or not. Daudpur police had recorded the inspection report after inspection of the place of occurrence. Police took away blood stained gamachchha, banyan, cloths from the post mortem house, but, the police did not take his blood stained cloth or his son's blood stained cloth. After three-four days of occurrence, the thana incharge and SDPO, Sadar had gone to the place of occurrence whom he met. Thereafter, they did not meet him. He has not complained written or oral regarding illegal act being done by the accused persons in the school premises. It is not the fact that he has not narrated the Darogaji during his statement that he was bring his injured son namely Raj Ranjan towards the house, he fell down after some steps. It is also not the fact that on 05.10.2022 at 1 PM his son Raj Ranjan forbade Dhananjay Kumar Singh, Yashwant, Amar Kumar Singh, Anuj Kumar Singh who were playing obscene songs in loud sound, not to do such. It is not the fact that he has not told Darogaji that on 05.10.2022 in the evening, Basanti Devi told him that the boys whatever think, will do and due to this annoyance all the five accused persons murdered him with assault of knife. It is not the fact that he has not told the Darogaji that mobile network does not perform in his house for which he or

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his family members go to Brahmasthan in south or Bishunpur Tower in north. It is not the fact that he has not told the Darogaji that the accused persons had viralled a video having status of 'Aaj Khela Hoi' on mobile. In past Daudpur PS Case No. 66/2014 was lodged against his sons. He has lodged 67/2014. Further, it is not the fact that there is a land of the accused persons situated after two houses of his house in north direction, which he wants to take. It is not the fact that whatever he has stated in his examination-in-chief, is not real occurrence. He has lodged this case to usurp the land of the accused persons.

12. PW 6 Birendra Ram has deposed in his examination-in-chief that on 07.10.2022 he was posted at the post of SHO at Daudpur police station. On 07.10.2022 the FIR vide Daudpur PS Case No.287/2022 was registered by him on the basis of written application of Ashok Kumar Singh under section 302, 120(B), 34 of IPC. In para 2 of the case diary inquest report is endorsed. In para 5 the boundary of the place of occurrence is mentioned. The victim was injured seriously by the accused persons in north of Golambar platform near neem tree of Brahma Sthan. During treatment the injured died at Ekma hospital. The blood shed at the place of occurrence was found. The land where the blood was fallen belonged to Banshi Singh. In para 6 there is re-statement of the informant. In para 7 there is statement of Gita Devi who has supported the prosecution case. In para 8 there is evidence of Rajiv Ranjan Singh. In para 26 there is postmortem report of deceased. In para 36 accused persons namely Yashwant Singh @ Misra @ Sanni Raj have surrendered before the court. In para 41 charge sheet bearing nop. 16/2023 dated 27.01.21023 under section 302, 120(B), 34 of IPC was submitted against Yashwant Singh and Anjuj Singh. He has identified his endorsement on FIR, marked as Ext. P-4. He has further identified his signature on FIR, marked as Ext. P-5. The charge-sheet has been marked as Ext. P-6. The accused persons were identified through VC.

During cross-examination by the defence he has deposed that the inquest report dated 07.10.2022 was prepared by Ekma Police Officer atg 11: 35, but, he has not

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mentioned in the case as to when the inquest report was received and whom he handed over. In CD para 5 he inspected the place of occurrence, but, he has not mentioned in the case diary as to who introduced him the place of occurrence. He has also not mentioned in the case diary when and where the statement of witnesses were recorded. In para 9 he has deposed that he recorded the statements of all the witnesses in the same day one by one. During investigation he did not search the independent witnesses nor has he recorded the statement of the independent witness. Before recording statement he used to go to the house of a person of village Kharahiya, but, where he came or went, is not in his memory. He did not come or go to the house of the informant of this case before lodging the case nor he was acquainted with the parties of this case before the occurrence. In para 12 he has stated that he has met with the accused persons during investigation, but, he has not mentioned it in the case diary. In para 13 he has deposed that he has mentioned in the para 36 of the case diary that he went to the court and inspected the record from which he came to know that the accused persons have surrendered before the court. Thereafter, he did not investigate the case and submitted charge-sheet against the two accused persons. In the case he has not mentioned in the case diary that after surrender of the accused persons he met them and inquired from them. In para 15 he has deposed that he came to know that the death occurred at about 10 AM. He entered the case at 19 hour. After information he went to the place of occurrence at 10 AM. He reached the place of occurrence after 20-25 minutes, but, none was present at the place of occurrence. He had inspected the place of occurrence on that day, but, he did not inquire about the occurrence from the nearby persons of the place of occurrence. At that time he went to the house of the informant, but, none was present there. He inquired from the persons who were residents of the nearby persons of the house of the informant. In para 16 he has deposed that Gita Devi did not get her statement recorded before him that there is a school beside her house where after closure of the school Dhananjay Singh, Aman Singh, Anuj Singh, Yashwant Singh used to consume wine, ganja playing obscene son on mobile. She had seen this herself from the roof of her house, but, she has not given such statement that her family members

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had forbade them from so doing. She has also not deposed that her son had come to the house meet the family members on the occasion of Dussehara, but, he was not aware that the accused persons used to do so. When her son saw accused persons doing so, he forbade them from so doing due to which the accused persons stabbed knife her son. In para 17 she has deposed that she has not given statement that the age of her son was about 18-1/2 years. All the accused persons were elder to Raj Ranjan whereas Yashwant and Anuj had told lesser age. In para 18 she has deposed that witness Ashok Kumar Singh has deposed before her that her injured son namely Raj Ranjan fell down while coming home after some steps. She has further not said that two days ago ie on 05.10.2022 at 1 PM Dhananjay Kumar Singh, Yashwant, Aman Kumar Singh and Anuj Kumar Singh were making loud sound playing obscene songs on mobile. Her son namely Raj Ranjan forbade them from so doing. She has also not stated that on 05.10.2022 in the evening Basanti Devi came before her house and called her and said to them that whatever the accused persons thought, would do. The school is not yours and due to this annoyance they murdered him. She has also not stated that network of her mobile does not function in her house, so, her family members go outside her house and talked on mobile. It is not the fact that the accused persons had viralled a video regarding 'aaj khela hoi.' In para 19 this witness has deposed that witness Rajiv Ranjan did not state that there is a school beside her house where after closure of the school in the evening Dhananjay Singh, Aman Singh, Anuj Singh, Yashwant Singh used to take wine ganja playing obscene songs on mobile who had seen such activity of the accused persons. He has further not deposed that he had seen from his own eyes. When his brother forbade from so doing, they murdered him. He has also not deposed that his brother was younger to accused persons. Witness Ravi Ranjan has not deposed that on the alarm raised by his brother he along with others went there running and saw that Basanti Devi had caught the hand of Raj Ranjan stating to kill him by stabbing by knife whereupon Dhananjay Singh, Yashwant Singh, Anuj and Aman began to kill him. He has also not deposed that there is a school by the side of his house where accused persons used to take wine ganja playing obscene songs on the mobile. He has seen this. He has further not

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deposed that his family members had forbade them from so doing. It is not the fact that his investigation is full of errors.

13. PW 1 Gita Devi has deposed in her examination-in-chief that the occurrence is about nine months ago occurred at about 10 AM on 07.10.2022. She with her family was at her door. At the same time her son namely Raj Ranjan Singh went to south direction towards Brahmasthan from the house talking on mobile. After some time a cry was heard whereupon her husband, her second son Rajiv Ranjan, Ravi Ranjan and she went there and saw that Basanti Devi had caught the hand of Raj Ranjan Singh. Basanti Singh was telling to stab him by knife till his death. On it Dhananjay Kumar Singh @ Nanhaki, Jaswant Kumar Singh @ Misir, Aman Kumar Singh, Anuj Kumar Singh together began to stab Raj Ranjan Singh with knife indiscriminately. Her son was full of blood. Raj Ranjan Singh was trying to save himself. On the alarm raised co-villagers assembled due to which all the accused persons fled away towards south. Her son Raj Ranjan fell down after proceeding two-four steps towards house. Thereafter, her husband, her second son took injured Raj Ranjan to Ekma hospital on a vehicle where the doctor declared him dead. Raj Ranjan was studying engineering in Kolkatta. There is a government school by the side of her house. After closure of the school in the evening Dhananjay Singh, Aman Sikngh, Anuj Singh, JASWANT Singh used to take ganja, bhang playing obscene songs on mobile. She had seen it from the roof of her house. Her family members had protested it once or twice. Her son had come home during Durgapuja holidays to meet family members. Her son was not aware that such was happening in the school. When he saw it, he forbade them due to which accused persons stabbed her son by knife to death. Her son Raj Ranjan was above eighteen years at the time of occurrence and all the accused persons were elder to Raj Ranjan whereas accused Jaswant Singh and Anuj Kumar Singh had reported their age below. She has claimed all the accused. Accused Jaswant @ Misir and Anuj Kumar Singh were present through video call whom she recognized.

During cross-examination by the defence this witness has deposed that Basant Singh wife of Satyendra Singh is the daughter-in-law of the sister of her mother-

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in-law. Her mother-in-law and her sister were married in the same village side by side. She had shown her inability to say that after how much time she heard the cry of her son after departure of her house, but, she said that she heard it after some time. She was not on inimical term with Basanti Devi, Satnarayan Singh from before the quarrel. They were on visiting term at her house, but, after the occurrence their visiting stopped. There is no house by the side of Brahmasthan. There are two houses in between her house and Bramasthan, but, she cannot say the distance of the houses from Bramasthan. In further cross-examination on 10.07.2023 she deposed that when she reached the place of occurrence, five persons from before were present there. There was none except five persons and herself. People do not stay at Brahmasthan. People come and go from the passage of Brahmasthan. There is not give and take from her family and the family of accused persons. Her old house is by the side of the house of the accused persons. There are separate houses of Rajesh Raut and Satyendra Raut separately in front of each other. The assault occurred in north of Brahmasthan. When he reached the place of occurrence, Raj Ranjan was standing there. Before this occurrence there was a case in between her family and the family of the accused persons. Her husband used to do business of money on interest. Her husband has given money to different persons on interest, but, she has no knowledge whether her husband possesses a licence for it or not. She has not complained before any one regarding the accused persons who used to take wine, ganja by playing obscene songs in the school premises. She has no proof the age of the accused person regarding being them older than her son. Her husband and her son had taken her injured son to Ekma government hospital. She heard that the doctor reported that her injured son was dead. In her knowledge Darogaji had come first of all on 10-11 in the month of October, 2022. She is unable to say the date when Darogaji had inquired her about the incident. She further is unable to say whether Darogaji was present or not when she saw the dead body of her deceased son. She has further claimed that she had seen the occurrence with her own naked eyes. On further cross-examination on 12.07.2023 this witness has deposed that whatever she saw and heard about the occurrence, she told Darogaji about it, but, she shows her inability to

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say whether Darogaji wrote down or not. It is not the fact that before police she had not deposed that that there is a government school by the side of her school in which accused persons used to consume ganja playing obscene song on mobile which she had seen from the roof of her house. It is further not the fact that she has not said in statement before the police that she forbade the accused persons from consuming contraband articles. Both Jaswant and Anuj are elder to her deceased son, but, they reported their age less than the deceased. The cloth of her son was full of blood, but, she did not know whether Darogaji took the blood stained cloth or not. Her husband and her son took her injured son on a four wheel-er, but, she cannot say who the owner of the vehicle was. The difference between her house and the school is five hands. It is not the fact that her husband is a money lender due to which her sons was murdered. Whatever she has deposed in her examination-in-chief, such occurrence never took place and to usurp the land of the accused persons this false case has been filed.

14. PW 2 Rajiv Ranjan Singh has deposed in his examination in chief that the occurrence is at 9.50 PM of 07.10.2022. He along with his parents and elder brother were in the verandah of his house, at that time his brother Raj Ranjan Singh came out of the house talking on a mobile and went to Brahmasthan situated at a distance of about 100 meters in south direction from the house. After some time the cry of his brother was heard whereupon he, his parents and his elder brother went there running and saw that Basanti Devi had caught the hand of Raj Ranjan. Basanti Devi had said to kill him by stabbing with knife. Dhananjay Kumar Singh @ Nanhaki, Yashwant Kumar Singh @ Sunny, Raj @ Misra, Anuj Kumar Singh, Aman Kumar Singh together began to assault Raj Ranjan with knife indiscriminately. They began to save him by intervening. Still then, accused persons stabbed Raj Ranjan and fled away towards south direction. My brother Raj Ranjan went away two-four steps towards his house and fell down. There was none except five accused persons, the witness and the brother of the witness, his parents at the place of occurrence. On the cry the people of the vicinity also assembled. They took the injured to Ekma hospital on vehicle for treatment where the doctor declared him dead. The deceased was a student of compute science of B-tech in

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Kolkatta. There is a government middle school beside his house. When the school was closed, accused persons Jaswant Kumar Siongh @ Misra, Dhananjay h @ Nanhaki, Anuj Kumar Singh, Aman Kumar Singh together used to consume wine, bhang, ganja playing obscene songs on mobile. He had seen the accused persons doing so. His family members forbade them from so doing. His brother Raj Ranjan had come home to meet his parents on the occasion of Dussehara holidays who did not know that the accused persons used to do these things. He forbade them. Due to this enmity the accused persons murdered him by stabbing with knife. At the time of his murder his age was eighteen and half years. All the accused persons are elder to his brother while Yashwant Kumar and Anuj Kumar have shown his age less. He has claimed to identify all the accused persons. He identified both these juveniles through electronic mode.

During cross-examination by the defence he has deposed that He is an employee at Kolkatta. His deceased brother also studied at Kolkatta who was a student of Techno India Rajar Ghat since 2022. On further cross-examination on 21.08.2023 he has deposed that he is a software engineer in TCS. If he takes leave, he will have to file application, but, for Durgapuja holidays or other leaves there is no need of leave application. During Durgapuja there are leaves of four-five days. During holidays company does not remain closed. But, he has no knowledge whether company remains closed during holidays or it remains opened. During occurrence he had come to Patna from Kolkata by the train, but, he has no its documentary proof. The house of the accused persons is in the village from his house situated at a distance of 300-400 meters in north direction. There are houses of Rajesh Raut and Satyendra Raut at a distance of about 70-80 meters on the way of Bramhashtan. The Daudpur police station is in south direction from his house. From that route people go to Ekma. There is also other way to go to Ekma. The houses of Rajesh Raut and Satyendra Raut are situated in between his house and Brahmashtan, but, he has no knowledge whether people reside in those houses or not because he lives outside for the last eight years. He visits home occasionally. His father does not do business of interest. He is a farmer and does agriculture work. His brother Raj Ranjan is known as Chhotu also. He does not know

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whether both the juveniles belong to his descendants or not. He has no knowledge whether the old house of the juveniles situates near his house or not. He does not know about the relation between the family members of his family ago. He does not know whether Daudpur PS Case No. 66/2014 was lodged by Mritunjay Singh upon him and his family members. Further, he has no knowledge whether he is an accused in Daudpur PS Case No. 66/2014 or not or. There is a temple in his village which is situated in north direction of his house and this is Kali Temple. He reached the place of occurrence with his brother and his father together. After some time co-villagers reached, but, he cannot say their names. There is a police station in Ekma. The doctor of Ekma hospital declared his brother dead after primary test. He has no knowledge whether police arrived there or not. He stayed for half an hour in Ekma hospital. Thereafter, they went to Sadar hospital with his brother. Daudpur police along with them also went to Sadar hospital, but, he has no knowledge whether the police came with Ekma Thana or Daudpur Thana. It is also not known to him whether the police team inquired him about the occurrence or not. No paper was given to him while taking the dead body. Whether the papers regarding the dead body was given to others or not is also not known to him. On 07.10.2022 at 8 PM Darogaji recorded his statement. He has not in memory whether he met Darogaji or not previously. He has no knowledge that when Darogaji came at his house, first of all he inquired whom regarding the occurrence at his house. He has further added that his brother is an LIC agent. All the members of his family are educated. He has no knowledge whether Darogaji inspected the place of occurrence or seized anything from the place of occurrence. He has also no knowledge whether anything was produced from his family members to the police or not. He has no talk with any of the family members regarding the occurrence in between recording his statement by the police and his deposition before the court. He has further no knowledge whether any information was given to anywhere regarding the illegal act done by the accused persons in the school premises. He has stated everything to Darogaji whatever he knew. It is further deposed that it is not the fact that he has not stated before the police that there is a government school by the side of his house where after closure of the school

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1. Dhananjay Singh, 2. Yashwant Kumar Singh, 3. Anuj Kumar Singh and Aman Kumar Singh use contraband articles like bhang, ganja, wine by playing obscene songs on mobile which he had seen with his own eyes and their family members forbade them from doing so. When Raj Ranjan had come to come during Dusse-hara holidays, he was not aware about these facts. Raj Ranjan forbade them from so doing due to which the accused persons murdered his brother who was above eighteen years and all the accused persons were elder to him. It is also not the fact that whatever he has deposed in his examination-in-chief, such occurrence never happened and he to usurp the land of the accused persons implicated them in the occurrence. His brother was not murdered by any person at other place.

15. PW 3 Ravi Ranjan Singh has deposed in his examination-in-chief that this occurrence is at 9:50 on 07.10.2025. At that time he was in verandah outside the door of his house along with his parents and middle brother Rajiv Ranjan. At that time his younger brother Raj Ranjan Singh came out from his house and went to Brahmasthan situated at a distance of 100 meter in south direction from his house talking on his mobile. After his departure from home his cry was heard where-upon he, his parents and middle brother Rajiv Ranjan went there running and saw that Basanti Devi had caught the hand of Raj Ranjan telling to stab him with knife to kill. Then, Dhananjay Singh @ Nanhaki, Yashwant Singh @ Saniraj @ Misir, Anuj and Aman Singh together attacked on body of Raj Ranjan with knife indiscriminately. Raj Ranjan was trying to save himself. The informant side intervened. His body was damaged with attack of knife. The accused persons fled away on bike towards south leaving him in injured condition. The injured fell down after moving two-four steps. During this occurrence none other than all the five accused, he, his parents and his middle brother namely Rajiv Ranjan were there. On the cry of the injured nearby people assembled there. Thereafter, his injured brother was taken to Ekma hospital on a vehicle by his father and his brother Rajiv Ranjan. He could not go with them due to serious condition of his mother. The doctor declared his injured brother dead at the hospital. His brother was a student of CS branch of b-tech in Kolkatta in West Bengal. He had come home to meet family members during Durga Puja holidays. After closure of the

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government school situated by the side of his house Dhananjay Singh @ Nanhaki, Yashwant Singh @ Sany Rai @ Misir, Aman Singh and Anuj Singh together used to consume contraband articles like wine, ganja, bhang etc by playing obscene songs on mobile. He had seen this with his own eyes. He had forbade them from doing so, but, their habits did not change. His brother Raj Ranjan was not acquainted with the habits of the accused persons. Raj Ranjan forbade them from so doing due to which they murdered him. The age of the injured was 18-1/2 years at the time of the occurrence. All the accused persons were elder to his injured brother, but, Yashwant @ Sany Raj @ Misir and Anuj had said their ages less. He has claimed to identified all the accused persons of this case.

During cross-examination by the defence this witness has deposed that he lives in Dhanbad since 2003 where he works as LIC agent along with some other business. He passed class X in the year 2003. After graduation he prepared for entrance of MBA and thereafter he attached with LIC. There are two buildings in south of his house. One building is under construction and thereafter there is no building. He shows his inability to say how many buildings or population are there in his village. There are the houses of Jitendra Singh @ Dablu Singh and thereafter Santosh Singh. Both the houses are closed and the family members of these houses live outside. There is a school by is the side of his house. The children of co-villagers study there, but, he shows his inability in saying the number of teachers and the students of the school. Further, he has deposed that he has not lodged complaint regarding illegal act of the accused person before school management. He is also not aware whether his family members have complained about it or not. In his further cross-examination on 15.09.2023 he has deposed the boundary of the school. In the evening of the day of occurrence Darogaji had met him at half past seven who recorded his statement. Beside it Darogaji had visited the place of occurrence. The dead body of his deceased brother came home in between 6-6.30 PM. On that day they went for funeral of the dead body for Se-mariya Ghat at 9-9.30 PM. Several people came in between 6-9 PM, but, he shows his inability to say their names. During this period he had not gone to anywhere from home. He has also no knowledge whether his family members had gone to

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anywhere or not. When Darogaji came in the evening, he met other members of his family too, but, he cannot say whom they met before meeting him. Whether Darogaji met his parents or his brother, is not known to him. Both the accused persons are elder to his deceased brother, but, he has no documentary evidence regarding it. His injured brother was taken to hospital on Bolero vehicle by his father and his middle brother. He is not aware regarding the owner of the vehicle. He also did not know who went to the hospital with them. He is not aware whether accused persons belonged to his clan or not. His old house is also near his new house. He came to know in between 12 to 1 PM that his brother died. He did not visit the hospital. The condition of his mother became worse from that day, but, she was not under treatment. The police station is in Ekma, but, he is not aware as to at what distance the hospital situates. Daudpur police station is on Chapra Ekma road. He did not inform the police station. He is also not aware whether his family members informed the concerned police station or not. It is not the fact that the family members of the accused persons have lodged this case in which his father and his brother are accused. His name is Ravi Ranjan Singh @ Lalli. It is not the fact that he has no knowledge about the case lodged against him and there is no case against him. Whatever he knew about the occurrence, he told Darogaji at that time. It is also not the fact that he has not told Darogaji that when he reached there, he saw that Basanti Devi had caught the arm of Raj Ranjan and she said to to give him knife blows whereupon Dhananjay Singh, Yashwant Singh, Anuj and Aman together assaulted his brother Raj Ranjan with knife. There is a government middle school by the side of his house where after closure of the school Dhananjay Singh, Yashwant, Anuj and Aman together consumed ganja, bhang playing obscene song on phone which he had seen with his own eyes. Previously he forbade them from so doing, but, there was no change in their habits. His younger did not tolerate these habits who forbade them from so doing due to which he murdered his brother. It is not the fact that whatever he has stated in his examination-in-chief, no such occurrence happened. Due to old annoyance this false case has been lodged. It is also not the fact that his brother was murdered at other place by other person and both these juveniles are not indulged in this

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occurrence.

16. PW 4 Dr Aman Kumar has deposed in his examination-in-chief that on 7.10.2022 he was posted at Sadar Hospital, Chapra as a Specialist Medical Officer. On same day at about 2.15 PM he held postmortem examination on dead body of Rajranjan Singh aged about 21 years male son of Ashok Kumar Singh, resident of village Khadrahiya, PS Daudpur, District-Saran. The dead body was brought and identified by Miraj Alam 1/7 chaukidar and Laxman Rai-3/3, chaukidar. On external examination rigor mortise was present bilateral lower and upper limb. Following **external** injuries were found:-1. Stab wound of size 2" x ½" x 2" skin deep over right side of abdomen, 2. Stab wound of size 2" x ½" x 2" skin deep over right side of abdomen, 3. Stab wound of size 2" x ½" x 2" skin deep over right side of abdomen, 4. Stab wound of size 1.5" x ½" x 2" skin deep over right side of abdomen, 5. Stab wound of size ½" x ½" x ½" on left upper arm, 6. Stab wound of size 1" x ½" x ½" on left upper arm, 7. Stab wound of size 1" x ½" x ½" and 1" x ½" x ½" below neck back side, 8. Stab wound of size 2.5" x ½" x 1" on right shoulder and 9. Stab wound of size ½" x ¼" x ¼" between both eye-brow. 4. **Internal injuries**-I. Liver ruptured, II. Heart-empty, III. All viscerae pale, IV. Abdominal cavity-filled with blood, V. Stomach-undigested food particles present, VI. Urinary bladder empty, 5. Cause of death- Haemorrhage and shock caused by above mentioned injuries, 6. Time since death 8 to 10 hours, 7. This report is in my handwriting and bears my signature, marked as Ext.-P-1.

During cross-examination by defence-he has not mentioned case number in his PM report because at the time of PM, the inquest report which was produced on that police station case number was not mentioned at that time. The injuries which he have found on the abdomen area are skin deep. In his PM report he has not mentioned that in which quadrant are the injuries were found. Inmy PM examination he had not found any injuries on neck region. He has measured all injuries by normal scale. He could not say that the injuries upon upper arm, below neck, shoulder, below eye brow say that the injuries upon upper arm, below neck, shoulder, below eye brow

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are talal or not. According to his PM report time since death is minimum 8 to 10 hours. At the time of PM examination inquest report was before him. At the time of PM examination the injuries whatever was found in different form on inquest report. Even though he has not communicated to superior officer or DM or SP. It is not true that his PM report is collusive and manipulated.

APPRECIATION OF EVIDENCES

17. Prosecution version in this case is that JCLs along with co-accused of this case brutally assaulted him by knife resulting his death. Now, it has to be seen as to whether prosecution has been able to prove the charges as framed against the JCLs under section 302/34 and 120(B)/34 of IPC or not.

18. In this case all the prosecution witnesses have supported the prosecution case deposing that JCLs along with co-accused assaulted him with knife resulting his death. On perusal of deposition of PW 4 Dr Aman Kumar who has deposed in his examination-in-chief that he conducted postmortem and found nine external stab wounds on body of the deceased.

Further added that in PM report the cause of death was due to haemorrhage and shock caused by sharp edged weapon and nothing has come in his cross-examination to contradict. This witness has identified his signature marked as Ext. P-1. PW 5 is himself the informant of this case. The defence has not succeeded in contradicting the prosecution evidence.

19. PW 1 Gita Devi, the mother of the deceased has deposed in her cross examination that the occurrence is about nine months ago occurrence about 10 AM on 07.10.2022 and on that day she was at her door along with another family member who heard cry of her son namely Raj Ranjan Singh and went to the place of occurrence along with her husband and two other sons and saw the occurrence that the accused persons were assaulting her son with knife indiscriminately. She also stated that his son was full of

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blood and was crying to save himself. She also stated that the accused persons fled away towards south. She also stated in her evidence that her sons took the injured Raj Ranjan to Ekma Hospital on a vehicle where the Doctor declared him dead. She also stated her son Raj Ranjan was studying engineering in Kolkatta and the accused persons always used to take Ganja, Bhang playing obscene songs on mobile and several time she and her family members protested and due to this reason the accused persons stabbed her son by knife to death. In detail cross-examination of this witness taken place by the defence but nothing material came out in support of JCL and there is no reason to disbelieve the statement of this witness. In this case it is clear that corresponding injuries have been found by the doctor, PW-4 on the body of the deceased and there is not inconsistency or vital contradiction in his statement.

20. PW-2 and PW-3 are full brothers of the deceased and they were present on the place of occurrence at the time of incident and saw the occurrence. PW 2 Rajiv Ranjan Singh has deposed in his examination of chief that the occurrence was occurred on 07.10.2022 at around 9.50 AM he along with his parent and elder brother were at the house and at that time his younger brother Raj Ranjan Singh came out from the house and went to Brahma Sthan situated at a distance of 100 mtrs towards south of his house. He stated that after hearing sound of crying his parents and brother went there running and saw that Basanti Devi had caught the hand of his brother who said to kill him by knife. He has stated they began to save him intervening still then the accused persons stabbing Raj Ranjan. He has stated about the cause of incident that the accused persons and they used to Ganja, Bhang and wine and always playing obscene songs on mobile in the premises of Government middle school. He has also stated that his family members forward them from so doing. He has also stated that his brother Raj Ranjan recently came to his home to meet his parents on the occasion of Dasahara

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holiday and due this enmity the accused persons murdered his brotehr by stabbing with knife. He has stated about the age of deceased. I have gone through the examination-in-chief and cross-examination of defence and have not found inconsistency in between the statement of PW-1 and PW-3 and there is cogent reason to disbelieving the statement of this witness and no material has been brought on record by the defence and there is no vital contradiction in his evidence.

21. PW 6 Birendra Ram is IO of the case who has conducted investigation after lodging the case and has deposed that inquest report and inspected the place of occurrence and found blood stain at the place of occurrence and recorded the statement of prosecution witness and submitted charge-sheet in the case against the JCLs. He has identified his signature on FIR, marked as Ext. P-4 and also identified his endorsement on FIR, marked as Ext. P-5 and charge-sheet, marked as P-6. This witness is an official witness and there is no material contradiction on record brought by the defence.

22. PW 5 who is himself informant of the case has fully supported the prosecution case and he has identified his signature on application, marked as Ext. P-2 in his examination-in-chief. He has also identified his signatuer on the inquest report, marked as Ext. P-3. This witness has clearly stated that prior to the present occurrence on 05.10.2022 in evening Basanti Devi exchanged hot talk with the informant and threatened him for dire consequences. He has also stated previously a dispute was held in between them during assembly election. From the perusal of cross-examination of this witness nothing has been brought by the defence on record regarding material contradiction and inconsistencies in between the statement of PW-1, PW-2, PW-3 and PW-5.

23. Prosecution case is that the deceased was going on talking his mobile phone were the accused Basanti Devi caught him and other co-accused persons indiscriminately gave knife blow on the body of deceased resulting

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he died.. PW-1, PW-2, PW-3 and PW-5 heard the cry of deceased and went to the place of occurrence and saw the incident. Defence through their suggestion in the cross-examination denied the incident and tried to prove that the accused persons assaulted the deceased. The defence did not bring any material to disprove the contention of witnesses. However, on perusal of external injuries on the body of deceased and PM report as well as statement of witnesses it is clear that both the JCL have intentionally committed the murder of son of informant and the motive of assault is proved.

24. The defence's one of the pleas is that there is vital contradiction in the statement of witnesses, the Hon'ble Supreme Court in Satyaaraj Singh vs State of MP (2019) 3 SCC 615 kind be gainfully wherein it has been held by the Hon'ble Supreme Court, "Minor Contradiction or inconsistency are immaterial and they are bound to occur during the course of Deposition."

25. It is also settled law that the prosecution has to prove manner of occurrence, place of occurrence, genesis of occurrence and time of occurrence which have been fully proved by the prosecution witnesses. It is settled principle of law that even honest and truthful witness may differ in some details unrelated to the main incident because power of observation, retention and reproduction differ with individual (State of UP vs M. K. Anthony, AIR-1985 Supreme Court 4).

26. In this case PW-1, PW-2, PW-3 and PW 5 are interested witnesses as all are family members of the deceased and due to this reason their evidences cannot be discarded and non-examination of independent witness will not be fatal for the prosecution case when the evidence of the interested witness appears to be reliable and trustworthy. In this case all the non-official witnesses are related to the deceased and they have corroborated the version of the prosecution regarding manner of assault by the accused persons. Deposition of doctor coupled with PM report and external injuries

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reports of the deceased corroborated the same. In this case despite detail cross-examination, defence could not impeach the credibility of the prosecution witness regarding assaulting the deceased. Moreso nowadays, it is becoming difficult for the investigating agency to get the independent witness as generally no outsider is coming forward to give evidence. Considering the same and considering the decision of Hon'ble Court the argument of defence for non-examination of independent witnesses do not hold water.

27. There is charge under section 120(B) of IPC against the juveniles. Section 120(B) of IPC is for conspiracy. To frame charge under conspiracy only cognizance is not proper rather their active participation in offence is required. The materials available on record disclosed that there is no sufficient material on record against the juveniles. So, no charge under section 120(B) of IPC is proved against the juveniles.

28. As that I reached to conclusion that accused persons having common intention and their nine stab wounds to the deceased resulted his death and section 302/34 IPC applicable in present case and on the perusal of deposition PM report it is clear that JCLs have used sharp cutting weapon with an intention to kill the son of the informant and I am of the firm view that the injuries was likely to cause death of deceased. Hence, section 302 of IPC squarely covered this case.

28. In light of aforesaid facts, discussion, circumstances, interpretation of the evidence, observation of Supreme Court, this court comes to the conclusion that the prosecution has proved the case under section 302/34 IPC beyond all reasonable doubt. Accordingly, they are hereby held guilty and convicted for the same. Both JCLs are still in custody. Put up the present case for hearing on point of sentence on 26-03-2026.

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PRONOUCED IN OPEN COURT ON THIS 06.03.2025

[Dictated and corrected by me]

[Dictated]

(Mritunjai Singh)

(Mritunjai Singh)

Ist Addl Sessions Judge, Saran

Ist Addl Sessions Judge, Saran

06-03-2026

06-03-2026

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Form C

List of Prosecution/Defence/Court Witnesses

A. Prosecution

Rank	Name	Nature of Evidence
PW 1	Gita Devi	witness
PW 2	Rajiv Ranjan Singh	witness
PW 3	Ravi Ranjan Singh	witness
PW 4	Dr Aman Kumar	doctor-witness
PW 5	Ashok Kumar Singh	Informant witness
PW 6	Birendra Ram	IO-witness

B. Defence witnesses, if any:-NONE

C. Court witnesses, if any:- None

Lst of Prosecution/Defence/Court Exhibits

A. Prosecution:-

Sr No.	Exhibit Number	Description
1.	P-1/PW4	Signature of witness on Copy of PMR
2.	P-2/PW-5	Signature of informant on his application
3.	P-3/PW-5	Signature on inquest report
4.	P-4/PW 6	Endorsement on written application
5.	P-5/PW 6	Signature on formal FIR
6	P-6/PW-6	Chargesheet

B. Defence Exhibits:-None

C. Court Exhibits:-None

D. Material Objects:-None

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<p>IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I Saran at Chapra Present:-Mritunjai Singh Date of Judgment:-06-03-2026 GR No. 8042/2022 CIS:-CIS-05/2023 Children Court.Case No.-05/2023 Daudpur PS Case No. 287/2022 302/34 and 120(B)/34 of IPC</p>
<p>Informant Ashok Kumar Singh, son of late Punyadev Singh, r/o-village-Khar-rahiya, PS- Daudpur, District- Saran</p>
<p>Accused 1. Yashwant Singh @ Misir @ Saniraj Singh, s/o-Satendra Narayan Singh, aged about 20 years, 2. Anuj Kumar Singh, s/o Ajay Singh, R/o village Khadrahiya, PS Daudpur, District- Saran</p>
<p>Represented by 1.Shri Mithilesh Kumar Singh, Id. SPP Shri Akshaya Narayan Singh, Id Adv 2. Shri Dinesh Kumar Singh Kaushik, learned advocate</p>

ORDER ON SENTENCE

26.03.2025

This order shall form part of judgment of conviction dated 06.03.2026.

1. Vide judgment dated 06.03.2026 the convicts-juveniles were held guilty and convicted under sections 302/34 of IPC. The case was put up for hearing on the point of sentence. The learned counsel for the convicts submitted that they are juveniles and first offenders. They have already spent more than three years in judicial custody, hence, lenient view be taken while awarding sentence against them. On the other hand, the learned APP for the State assisted with the Id counsel for the informant submitted that the convicts have made the whole life of the informant miserable. Therefore, maximum sentence be awarded against them for the offences proved.

2. Considering the submissions of the learned counsels for both sides and perusing the record of this case and the judgment delivered, this court finds that

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the offences committed by the convicts under section 302/34 of IPC has been established and proved by the prosecution.

3. Settled principle is that the nature of the offence, the circumstance in which it was committed; and the degree of deliberation shown by the offenders should be considered at the time of fixing punishment should be proportionate to the gravity of the offence. The fundamental purpose of imposition of sentence is based on the principle that the accused must realize that the crime committed by him has not only created a dent in the life of the family of the deceased but also a concavity in the social fabric. It has to be borne in mind that while awarding sentence, it is obligatory on the part of the court to see the impact of the offence on the society as a whole and its ramification on the immediate collective as well as its repercussion on the family of the deceased.

4. Convicts are found guilty of having committed offences which is punishable under the law with imprisonment for life or hanging, no child in conflict with Law shall be sentenced to death or for life imprisonment without the possibility of release. Considering submissions of the learned counsels for both sides, perusing the records of this case, nature of offence, manner of assault, no previous conviction, age and sex, antecedents of the convicts, languishing behind bars for more than 3 years, other circumstances of this case and the judgment delivered, convicts are sentenced to undergo imprisonment for three and half years for the offence punishable under section 302/34 of IPC. The period already undergone by the convicts (conflict with law) shall be computing the period of sentences awarded against the convicts.

Direction to the Superintendent of the Institution:-

1. In place of safety there shall be yearly review by the Probation Officer or Children Protection Officer Or DCPU or Social Worker in form 13 to evaluate the progress of Children and the report shall be forwarded to the Children Court, Saran.

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2. After completion of age of the juveniles to be 21 years, they shall be sent to Chapra Jail.

3. Superintendent of Institution is directed to produce the children before the children's Court, Saran periodically and at least every three months for the purpose of assessing the progress made by the Children and facilities provided by the Institution for the implementation of the individual care plan.

4. The period reports of the progress of the children, prepared by the Probation Officer or Child Protection Officer of the District Child Protection Unit or a Social Worker shall be produced before the Children's Court, Saran.

[Dictated and corrected by me]

[Dictated]

(Mritunjai Singh)

Ist Addl Sessions Judge, Saran

26-03-2026

(Mritunjai Singh)

Ist Addl Sessions Judge, Saran

26-03-2026

Copy to 1. District Magistrate, Saran

2. Superintendent Place of Safety Aurangabad,

3. Probation Officer

4. District Child Protection Unit, Aurangabad.

FORM A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I

Saran at Chapra

Present:-Mritunjai Singh

Date of Judgment:-06-03-2026

GR No. 8042/2022

CIS:-CIS-05/2023

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Daudpur PS Case No. 287/2022

302/34 and 120(B)/34 of IPC

Informant Ashok Kumar Singh, son of late Punyadev Singh, r/o-village-Khar-rahiya, PS- Daudpur, District- Saran

Accused 1. Yashwant Singh @ Misir @ Saniraj Singh, s/o-Satendra Narayan Singh, aged about 20 years,
2. Anuj Kumar Singh, s/o Ajay Singh, R/o village Khadrahiya, PS Daudpur, District- Saran

Represented by Shri Dinesh Kumar Singh Kaushik, learned advocate

