

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SITAMARHI

SITAMARHI, DATED: 25.03.2026

PRESENT: Akhilesh kumar Jha, PD&SJ, SITAMARHI

The State of Bihar Vs. Adam Rain & Others

Session Case No. 622/2024

[CIS (Reg.) No. 622/2024]

FORM-A

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
SITAMARHI, BIHAR**

P R E S E N T: Akhilesh Kumar Jha, PD&SJ, SITAMARHI

DATE OF JUDGMENT: 25th March, 2026

Session Case No. 622/2024

CIS (Reg.) No. 622/2024

[Arising out of Choraut P.S. Case No. 124 of 2022]

PROSECUTION	STATE OF BIHAR [Through Ritesh kumar (Informant), S/o- Raghvendra Thakur, resident of Village- Choraut, P.S.- Choraut, District- Sitamarhi].
REPRESENTED BY	Sri Praful kumar Jha, Ld. P.P. I/C
ACCUSED	<ol style="list-style-type: none">Aadam Rain (here-in-after referred as 'A-1'), aged about 32 years, S/o- Md. Kashim RainIrshad Rain (here-in-after referred as 'A-2'), aged about 23 years, S/o- Faruk Rain,faruk Rain (here-in-after referred as 'A-3'), aged about 60 years, S/o- Md. Sarjan Rain, All resident of Village- Choraut, P.S.- Choraut, District- Sitamarhi.
REPRESENTED BY	Sri Ramesh Chandra, Ld. Advocate

FORM-B

Date of offence	01-07-2022
Date of FIR	01-07-2022
Date of Charge-sheet	20-08-2022
Date of Framing of Charges	04-02-2025
Date of commencement of evidence	03-11-2025
Date on which judgment is reserved	24-03-2026
Date of the Judgment	25-03-2026
Date of the Sentencing order, if any	N/A

ACCUSED DETAILS:

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Rank of the Accused	Name of the Accused	Date of Arrest/ Surrender	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.	Aadam Rain	2-7-22	3-8-22 after granting bail by the court of Session.	341/34, 323/34, 307/34, 504/34,506/34 of IPC.	Acquitted	N/A	31 days
2.	Irshad Rain	20-7-22	10-8-22 after granting by the court of Sessions	Do.	Acquitted	N/A	21 days
3.	faruk Rain	20-7-22	On 10.8.2022 after granting bail by the court of Session.	Do.	Acquitted	N/A	21 days

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Ritesh kumar	Informant
PW2	Jignesh kumar	Injured Witness
PW3	Meena Devi	Hostile Witness

B. Defence Witnesses, if any :

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 :

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

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution Exhibits :

Sr. No.	Exhibit Number	Description
1	P1/PW1	Signature of informant on written application.

B. Defence Exhibits :

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SITAMARHI

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The State of Bihar Vs. Adam Rain & Others

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Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

D. Material Objects :

Sr. No.	Material Object Number	Description
NIL	NIL	NIL

JUDGMENT

1. The accused persons A-1, A-2 and A-3 stand charged and faced trial for the offence punishable under sections 341/34,323/34,307/34,504/34,506/34 of the Indian Penal Code (here-in-after referred as 'IPC' for short).
2. The case of prosecution as per written application of informant Ritesh Kumar is that on 01.07.2022 at about 10.00 AM while the informant was standing outside of his house, the accused 1. Farookh Rain, 2. Irshad Rain and 3. Adam Rain came near him and without any reason started abusing and committing mar-pit with him. On protest by the informant, Irshad Rain inflicted rod blow to him on his head which caused cut injury. When informant's brother came in his rescue, the accused persons also assaulted him. The accused persons also snatched gold chain worth Rs. 90,000/- The injured were treated at PHC Chorout.
3. Upon the above written application of the informant Chorout PS Case No. 124/22 dated 01.07.2022 was registered under sections 341,323,379,307,504/34 of IPC against A-1 to A-3. and police started investigation. After completion of investigation, the police submitted charge-sheet against A-1 to A-3 under sections 341,323,307,504,506/34 of IPC .
4. Accordingly, cognizance of offence was taken on 19.4.2023 by the court of Ld. Judicial Magistrate 1st Class, Sitamarhi for the offences punishable u/s 341, 323, 307,504,506/34 of the IPC against A-1 to A-3. Thereafter vide order dated 25.11.2024 the learned Magistrate committed the case to Court of Sessions.
5. In due course, after committal, this case came on the file of this Court and charges u/ss: 341/34,323/34,307/34,504/34,506/34 IPC against A-1, A-2 and

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Session Case No. 622/2024
[CIS (Reg.) No. 622/2024]

- A-3 were framed on 04.02.2025 by the Ld. Predecessor Court, to which the accused persons pleaded not guilty and claimed trial.
6. The prosecution has examined altogether three (03) witnesses to substantiate its case and to prove the charges which are as follows : PW1 – Ritesh Kumar (informant of the case), PW2 – Jignesh Kumar, and PW3 – Meena Devi. Apart from the above oral evidence, the prosecution has proved the signature of the informant on written application as P1/PW 1.
 7. After the closer of the prosecution evidence, the accused persons were examined under section 313 of the Code of Criminal Procedure, 1973 (herein after Cr.PC for short) by this Court wherein the accused persons have denied prosecution evidence and claimed innocence.
 8. Heard the submissions of the Ld. PP I/C for the state and the Ld. Counsel for the accused persons. It is submitted by the Ld. PP I/C that although the PW 3 has turned hostile but the PW1 and PW2 have supported the case of the prosecution. Therefore, the evidence of PW1 and PW2 are sufficient to held the accused persons guilty and so the accused persons may kindly be convicted for the charges framed against them.
 9. On the other hand, the Ld. Counsel for the accused persons has submitted that PW 3 has turned hostile and he has not supported the case of prosecution. PW 1 and PW 2 have also not supported the case of prosecution as they contradicted their examination-in-chief in their cross-examination. Consequently, the prosecution has failed to prove its case against the accused persons beyond the all reasonable doubts, therefore, the accused persons deserve to be acquitted.
 10. Rival submissions considered. Record perused. Now, the point for determination is whether the prosecution has been able to prove the charges levelled against the accused persons beyond the shadow of all reasonable doubt or not? And if yes, then what offences the accused persons have committed.
 11. PW-3 has completely turned hostile and not supported the case of prosecution at all. So far as the deposition of PW1 is concerned he has stated in examination-in-chief that A1, A2 and A3 abused and assaulted him. As a result of which he suffered head injury. Accused persons also assaulted his brother (PW2). But in cross-examination he contradicted himself and stated that at the time of incident due to huge crowd he could not see anyone assaulting him. He suffered head injury as he fell down. Villagers got prepared written application and took signature which was not read over to

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The State of Bihar Vs. Adam Rain & Others

Session Case No. 622/2024

[CIS (Reg.) No. 622/2024]

him. The PW2 other injured witness in his examination-in-chief has stated that A1,A2 and A3 were having quarrel with his brother and in scuffle this witness and his brother fell down and suffered injuries. But in cross-examination he stated that he did not see anyone assaulting and he fell down as a result of push given in crowd. The prosecution has not produced any corroborative evidence in support of evidence of PW 1 and PW2 as stated in examination-in-chief.


12. The burden to prove the case is on the prosecution and as per the burden, the prosecution is required to prove the case beyond the reasonable doubts.
13. The evidence of the prosecution cited here-in-above is shaky and contradictory in nature and does not inspire confidence. It is manifest from the deposition of PW1 and PW 2 that though these witnesses have supported the case of prosecution to some extent in the examination-in-chief, however in cross-examination they contradicted themselves. Furthermore, the Doctor and Investigating Officer have not been examined in this case by the prosecution. In the absence of the non-examination of the doctor by prosecution injuries of injured persons are also not proved.
14. In view of the foregoing discussions and findings recorded here-in-above, it is hereby held that the prosecution has failed to prove the charges framed against the accused persons beyond all reasonable doubt. Therefore, A-1, A-2 and A-3 are hereby acquitted from all the charges framed against them. The sureties are discharged from the liabilities of the bail bonds, however the accused persons shall furnish bail bonds in the sum of Rs. 5000/- each with one surety each in the like amount to the satisfaction of this court in terms of section 437A of the Cr.PC/section 481 of the BNSS.
15. Announced today in open court today on this 25th day of March,2026.
16. File be consigned to record room as per rules.

Dictated and corrected by me.


(Akhilesh Kumar Jha)

Principal District & Sessions Judge
Sitamarhi.
25.03.2026.

Judgment delivered by


(Akhilesh Kumar Jha)

Principal District & Sessions Judge
Sitamarhi.
25.03.2026.

Date of Judgement/Order	25.03.2026.
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Session Case No. 622/2024

[CIS (Reg.) No. 622/2024]

Date of reserving Judgment/Order	25.03.2026.
Uploading date	8/4/2026
Uploaded by	Rummatam Kumar