

In the Court of Sri Motish Kumar Singh, Sessions Judge, Siwan.
Sessions Trial No. 107/2023
State Vs. Baby Khatoon

Present: Motish Kumar Singh, Sessions Judge, Siwan.
Date of Judgement : 23.06.2026

Sessions Trial No. 107/2023
(Arising out of Siwan Muffasil P.S. Case No. 440/2020)

STATE OF BIHAR

Represented by : Sri Pramila Kumar(Gop Babu) , Ld. P.P.
Vrs.

1. Baby Khatoon W/o-Sonu Ahamad, age about 30 years,
Resident of village-Barhan Gopal, P.S- Siwan Muffasil, District-Siwan.
..... Accused person
Represented by : Sri Anupam Rahul Raj, Learned Advocate.

FORM-A

Date of offence	06.09.2020
Date of F.I.R	29.09.2020
Date of Charge sheet	18.04.2022
Date of Framing of charges	12.07.2024
Date of commencement of evidence	30.08.2024
Date on which judgement is reserved	20.06.2026
Date of the judgement	23.06.2026
Date of the Sentencing Order, if any	N/A

FORM-B

Accused Details:-

Rank of the Accused	A-1 (One)
Name of the Accused	A-1: Baby Khatoon
Date of Arrest	N/A
Date of Release on Bail	03.03.2022
Offences charged with	302/34, 120(B) of IPC
Whether Acquitted or Convicted	Acquitted
Sentence Imposed	N/A
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	N/A

JUDGEMENT

1. Sole above-named accused person is facing trial for the charge of offences punishable under sections 302/34, 120(B) of IPC. The occurrence is alleged to have taken place on 06.09.2020 at village- Barhan Gopal, under Siwan Muffasil Police Station, District- Siwan.

FACTS IN BRIEF

2. Facts of the case in nutshell, as per written report of Ajijulhaq (informant), is that the informant's daughter was married to Rizwan Ahmad as per Muslim customs. As a wedding gift, the informant had given his daughter clothes, jewellery and other items worth about Rs. 3 lakhs. After sometime, the informant's son-in-law's elder brother Sonu Ahmad and Baby Khatoon started demanding dowry and when the dowry was not given, he started harassing the informant's daughter and started beating her. In this regard, the informant went to his daughter's house and held a Panchayati. It was decided in the Panchayati that the jewellery would be returned after the Muharram festival of the year 2020. However, after the festival was over, these accused-persons did not return the jewellery, so the informant's daughter started demanding the jewellery. On 06.09.2020, when the informant's son-in-law went out to work, Sonu Ahmed and his wife Baby Khatoon together killed the daughter of informant sprinkling kerosene on her body, due to the non-fulfillment of demand of dowry.

3. On the basis of the above written report, an F.I.R bearing Siwan Muffasil P.S Case No. 440/2020 was registered under sections 304(B), 120(B)/34 of IPC. After investigation Charge-sheet No. 154/2022 dated 18.04.2022 was submitted against the accused under sections 302, 120(B)/34 of IPC. Subsequently, cognizance was taken of offence on 27.06.2022 under sections 302, 120(B)/34 of IPC and committed the case to the Court of Sessions on 27.06.2022.

After commitment, this case got to be numbered as Sessions Trial No. 107/2023 and the same was kept in the file of this Court for the trial and disposal.

4. After appearance of the above-named accused person, he had been charged under sections 302/34, 120(B) of IPC to which, he pleaded not guilty and claimed to be tried.

5. Thereafter, the prosecution adduced their evidence and after closing of the prosecution evidence, statement of the accused-person was recorded under section 313

of Cr.P.C, in which he denied all the allegations and the evidence as led by the prosecution against him and they claimed to be innocent. Defence did not adduce any evidence.

ARGUMENTS ON BEHALF OF ACCUSED PERSONS:

6. Learned defence counsel submitted that none of the prosecution witnesses have supported the prosecution case. Even the informant has not supported the prosecution case. The prosecution has totally failed to prove the charges levelled against the accused persons. Thus, learned counsel prays that accused person is entitled for acquittal from all the charges.

ARGUMENTS ON BEHALF OF PROSECUTION

7. Learned P.P submitted that out of all six witnesses, five witnesses have not supported the prosecution case and they had been declared hostile and also cross examined by the prosecution but they did not supported the prosecution case. The remaining one witness doctor could be examined. Ld. P.P further submitted that decision may be passed on merit.

POINT FOR DETERMINATION

8. The point for determination in this case as to whether the prosecution has been able to prove its case against the accused person beyond all reasonable doubts or not?

FINDINGS

9. In order to substantiate the charges, prosecution examined altogether six witnesses:-

P.W. 1 is Nazir Hussain@ Wazir Ahmad,

P.W. 2 is Ajijul Haq(Informant of this case),

P.W. 3 is Sitara Khatoon,

P.W. 4 is Kahlil Ahmad,

P.W. 5 is Mansoon Janat Khatoon@ Masoom Janat Khatoon,

P.W. 6 is Dr. Ahmad Ali,

10. First of all, I would like to go through the evidence of **P.W. 2 Ajijul Haq**, in his examination-in-chief stated that he is the informant of this case. He further deposed that he did not file the case and he know nothing about this case. The written application bears his signature which he recognizes, which is marked as **Exhibit- P- 1/PW 2**. He was declared hostile on the request of the prosecution and was cross-

examined by Learned P.P. He denied any previous statement given by him before the police. He identify the accused Baby Khatoon who is present in the doc. He denied the suggestion that he has hidden the true facts and given a false statement under their influence.

During his cross-examination by accused person, he stated that the police made his signature on a blank paper. Accused Baby Khatoon is his relative, so he recognize her. Whatever Statement was given before the court, was given voluntarily without any pressure.

11. Likewise, **P.W. 1 Nazir Hussain@ Wazir Ahmad** in his examination-in-chief he deposed that his statement was not recorded before the police. The occurrence took place about two years ago. He does not remember the time. Azimul Haq is his uncle. He was declared hostile on the request of the prosecution and was cross-examined by Learned P.P. He denied any previous statement given by him before the police. He identify the accused Baby Khatoon who is present in the doc. He denied the suggestion that he has hidden the true facts and given a false statement under their influence.

During his cross-examination by accused person, he stated that the women standing in the Court today is a relative from his neighbour village, so he recognize her. He was not present at the place of occurrence, he went there after it happened. Whatever Statement was given before the court, was given voluntarily without any pressure.

12. **P.W. 3 Sitara Khatoon** in her examination-in-chief she deposed that her statement was recorded before the police, she does not remember when the incident occurred. She was at her in-laws' house at the time. When she went to her sister's house, she saw that her sister was completely burned and had died and her body was laying in the courtyard. No one from her in-laws' house was presnet at the time. Her sister had been married for 7-8 years when she died. She denied the suggestions that she had said in her statement to the police that her sister was set on fire by her in-laws'. She was declared hostile on the request of the prosecution and was cross-examined by Learned P.P. She denied any previous statement given by her before the police.

Cross-examination by the prosecution, she denied the suggestions that she had said that the child of the deceased said that Bade Abba and Bade Ammi had killed her mother by setting her on fire. He identify the accused Baby Khatoon who is present in

the doc, she also recognize those who are not present today. She denied the suggestion that she has hidden the true facts and given a false statement under their influence.

During her cross-examination by accused person, she stated that she reached the place of occurrence 2-4 hours after the incident. She does not remember whether the police took her statement at home or at the police station. She knows Baby Khatoon because she is her relative. Whatever Statement was given before the court, was given voluntarily without any pressure.

On Court Question:- She stated that her sister never told that her in-laws ever demanded dowry from her. Her sister was not harassed by her in-laws for dowry. She does not even know how her sister got burnt. Her sister's in-laws also did not tell her how her sister got burnt.

13. P.W. 4 Khalil Ahmad in his examination-in-chief he deposed that he has no information about the occurrence. At the time of incident, he was not present at the place of occurrence. His statement was not recorded before the police. He was declared hostile on the request of the prosecution and was cross-examined by Learned P.P. He denied any previous statement given by him before the police. The accused present in the doc, he does not know her name. He denied the suggestion that he has hidden the true facts and given a false statement under their influence.

During his cross-examination by accused person, he stated that whatever Statement was given before the court, was given voluntarily without any pressure.

14. P.W. 5 Mansoon Janat Khatoon@ Masoom Janat Khatoon in her examination-in-chief she deposed that she has no any information about the occurrence. Her statement was recorded before the police but she does not remember what she said. She was declared hostile on the request of the prosecution and was cross-examined by Learned P.P. She denied any previous statement given by her before the police. She identify the accused Baby Khatoon who is present in the doc, and she also recognize her grandson Sonu Ahmad. She denied the suggestion that she has hidden the true facts and given a false statement under their influence.

During her cross-examination by accused person, she stated that Baby Khatoon is her daughter-in-law, so she recognize her. She has not knowledge about the case in which he has come to testify today because he has not seen anything. Whatever Statement was given before the Court, was given voluntarily without any pressure.

15. P.W. 6 Dr. Ahmad Ali is medical officer and at the time of occurrence that on 06.09.2020 he was posted at Sadar Hospital, Siwan and he along with other two

members of Medical board Dr. Virendra Prasad and Dr. Vijay Kumar conducted Post Mortem examination over the dead body of Rozi Khatoon, age 25/f w/o Rizwan Ahmad, of Vill – Barhan Gopal, P.S. Siwan Muffasil, District – Siwan. After examination the postmortem report was written by him in his own handwriting. After looking at the postmortem report witness states that this is the postmortem report which was written by me and its also bears his signature at the foot. After external examination of dead body of Rozi Khatoon they found following ante-mortem on her dead body: (1) Smell of kerosene oil from body (2) 100% Burn whole body with Category – III degree. After examination of the dead body they found that the death was caused by asphyxia with shock due to dry flame.

The other two members Dr. Virendra Prasad and Dr. Vijay Kumar also put their signature on Postmortem report in his presence and therefore he identify their signatures also. The entire postmortem report alongwith signatures of all three doctors is exhibited as **Exhibit -P-2/PW6**.

During his cross-examination by accused person, he stated that he is the Medical Officer. The postmortem of the body was conducted jointly by him and two other member doctors and the postmortem report was also prepared by all three of them together. The postmortem report does not contain his personal observation but the opinion of all three of them doctors. The date of conducting the postmortem is 06.09.2020 and the time is 03:50 P.M. How long after the death the postmortem of the body was done, he has mentioned it in the postmortem report which is 6-24 hours from the date of death. Decomposition of the body had not started at the time of postmortem. The postmortem report he has mentioned the cause of death was asphyxia with shock due to dry flame. He further deposed that this death could also be a suicide. Whether the burn marks on the body are ante-mortem or postmortem, he has written this on the basis of the on-dissection report which he has mentioned in the second paragraph of B. He has mentioned the smell of kerosene on the body in paragraph No. A. The burn marks on the body cannot be caused by a stove blast. He denied the suggestion that his postmortem report is incomplete.

16. Prosecution also failed to examine the I.O of this case, even after being given several opportunities.

17. Thus, from the analysis of oral and documentary evidence, it is clear that the prosecution has miserably failed to prove any of the charges levelled by it against the accused person.

ORDER

18. In premise of foregoing facts and circumstances and after given due consideration of the evidences, both oral and documentary, available on the record, this Court finds that the prosecution has not been able to prove its case, much less beyond reasonable doubt. Therefore, the accused-person namely **(1) Baby Khatoon** W/o- Sonu Ahmad is hereby **acquitted** from all charges of sections 302/34, 120(B) of IPC.

19. The accused person is already on bail, however, her bail bonds shall remain extended for next six months as per requirements of section 437(A) of Cr.P.C. Thereafter, her bail bonds shall stand automatically cancelled and sureties shall stand discharged from her liabilities.

20. Office is directed to send one copy of this judgement to the District Magistrate, Siwan for his information and record.

21. The office is further directed to consign the record of this case to the record room after necessary compliance.

Pronounced in open Court on this 23rd day of June, 2026.

Dictated and Corrected by me

S/d-
(Motish Kumar Singh)
Sessions Judge, Siwan.
23.06.2026.

S/d-
(Motish Kumar Singh)
Sessions Judge, Siwan.
23.06.2026

APPENDIX

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

Rank	Name	NATURE OF DEFENCE (Eye Witness, Police Witness, Expert Witness, Midical Witness, Panch Witness, other Witness)
P.W. 1	Nazir Hussain@ Wazir Ahmad	Witness
P.W. 2	Ajjjul Haq	Witness(informant)
P.W. 3	Sitara Khatoon	Witness
P.W. 4	Khalil Ahmad	Witness
P.W. 5	Mansoon Janat Khatoon@ Masoom Janat Khatoon	Witness
P.W. 6	Dr. Ahmad Ali	Witness

B. Defence Witnesses, if any: NIL.

Rank	Name	NATURE OF DEFENCE (Eye Witness, Police Witness, Expert Witness, Midical Witness, Panch Witness, other Witness)
N/A	N/A	N/A

C. Court Witnesses, if any: NIL.

Rank	Name	NATURE OF DEFENCE (Eye Witness, Police Witness, Expert Witness, Midical Witness, Panch Witness, other Witness)
N/A	N/A	N/A

LIST OF PROSECUTION/DEFENCE/COURT EXHIBIT

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	P-1/PW 2	Signature of informant Ajjjul Haq on the written report.
2.	P-2/PW 6	Signature of Dr. Ali Ahmad alongwith Dr. Birendra Prasad and Dr. Vijay Kumar on the postmortem report of deceased Roji Khatoon.

B. Defence:

Sr. No.	Exhibit Number	Description
1	Nil	
2	Nil	

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Nil	
2	Nil	

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D. Material Objects:

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

S/d-
Sessions Judge, Siwan
23.06.2026

Date of Judgement/Order	23.06.2026
Date of Reserving Judgement/Order	20.06.2026
Uploading on	13.07.2026
Uploaded by	Nitesh Kumar