

In the Court of Sri Motish Kumar Singh, Sessions Judge, Siwan.
Sessions Trial No. 284/2019
State Vs. Sitaram Mahto & Others

Present: **Motish Kumar Singh, Sessions Judge, Siwan.**
Date of Judgement : 29.04.2026
Sessions Trial No. 284/2019
(Arising out of Basantpur P.S. Case No. 198/2016)

STATE OF BIHAR

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

- 1. Devnath Mahto S/o- Late Ramchandra Mahto, age about 60 years,
- 2. Jairam Mahto S/o- Late Ramsevak Mahto, age about 60 years,
- 3. Sitaram Mahto S/o- Late Ramsevak Mahto, age about 55 years,
- 4. Madan Mahto S/o- Lakhichand Mahto, age about 56 years,
- 5. Lallan Mahto S/o- Devnath Mahto, age about 30 years.

..... Accused persons

Represented by : Sri Ravindra Singh, Ld. Advocate.

FORM-A

Date of offence	13.09.2016
Date of F.I.R	13.09.2016
Date of Charge sheet	30.09.2016
Date of Framing of charges	02.07.2019
Date of commencement of evidence	22.08.2019
Date on which judgement is reserved	28.04.2026
Date of the judgement	29.04.2026
Date of the Sentencing Order, if any	N/A

FORM-B

Accused Details:-

Rank of the Accused	A-1 to A-5 (Five)
Name of the Accused	A-1: Devnath Mahto A-2: Jairam Mahto A-3: Sitaram Mahto A-4: Madan Mahto A-5: Lallan Mahto
Date of Arrest	N/A
Date of Release on Bail	21.09.2016
Offences charged with	323/34, 341/34, 324/34, 308/34, 504/34 of IPC.
Whether Acquitted or Convicted	Acquitted
Sentence Imposed	N/A

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Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	N/A
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JUDGEMENT

1. All the above-named accused persons are facing trial for the charge of offences punishable under sections 323/34, 341/34, 324/34, 308/34, 504/34 of IPC. The occurrence is alleged to have taken place on 13.09.2016 at about at village- Lakhnaura under Basantpur(Lakari Nabiganj O.P) P.S, District- Siwan.

FACTS IN BRIEF

2. Facts of the case in nutshell, as per written report of the informant(Brahmadeo Mahto) is that on 13.09.2016 at about 06:00 A.M, informant's mother was going to nature's call. Meanwhile, informant's villagers Sitaram Mahto, Jairam Mahto and Madan Mahto stopped his mother and said that do not go this way and started abusing her. It is further alleged that informant's brother brother Brahmadeo Mahto reached there and asked why are you blocking the way. On this matter, all the accused-persons started abusing him and beating him with lathi. It is further alleged that Deonath Mahto and Lallan Mahto came and pushed his mother. Meanwhile, Sitaram Mahto attacked Brahmdeo Mahto with the axe, which hit his forehead and his forehead got cut and Lalan Mahto hit Brahmdeo Mahto in the stomach with the knife, due to which Brahmdeo Mahto fell on the ground.

3. On the basis of the above written report, an F.I.R bearing Basantpur P.S Case No. 198/2016 was registered under sections 341, 323, 324, 308, 504/34 of IPC. After investigation Charge-sheet No. 237/2016 dated 30.09.2026 was submitted against the above-named accused persons under sections 341, 323, 324, 308, 504/34 of IPC. Subsequently, C.J.M, Siwan took cognizance of offence on 07.04.2017 under sections 341, 323, 324, 308, 504/34 of IPC and committed the case to the Court of Sessions.

After commitment, this case got to be numbered as Sessions Trial No. 284/2019 and the same was kept in the file of this Court for the trial and disposal.

4. After appearance of all the above-named accused persons, they had been charged under sections 323/34, 341/34, 324/34, 308/34, 504/34 of IPC to which, they 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-persons was recorded under section 313 of Cr.P.C, in which they denied all the allegations and the evidence as led by the prosecution against them 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 persons are entitled for acquittal from all the charges.

ARGUMENTS ON BEHALF OF PROSECUTION

7. Learned P.P submitted that out of all five witnesses, two witness has 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. One witness(informant) though not declared hostile but unfortunately, he has also not supported the prosecution case. The remaining witnesses are doctor and I.O 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 persons beyond all reasonable doubts or not?

FINDINGS

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

P.W. 1 is Inardev Mahto,

P.W. 2 is Bishundeo Mahto@ Vishwanath Mahto,

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P.W. 3 is Brahmdeo Mahto(informant of this case),

P.W. 4 is Dr. Arun Kumar Avinash,

P.W. 5 is Kedarnath Prasad(I.O)

10. First of all, I would like to go through the evidence of **P.W. 3 Brahmdeo Mahto**, who is the informant of this case and this witness, in his examination-in-chief stated the occurrence took place about eight years ago at about 6 O'clock. At that time he was at his home, when his mother was going, Sitaram Mahto, Jairam Mahto, Madan Mahto, Lalan Mahto and Devnath Mahto stopped her. On asking, all the accused-persons started beating him. He went to the police station and filed a written complaint, which bears his thumb impression. He was injured and was treated at the hospital. His statement was recorded before the police. He identify the accused namely Madan Mahto who present in the doc and he also recognize the other accused-persons who are not present in the Court today.

During his cross-examination by accused persons, he stated that the accused-persons are his brothers and cousins who are his maternal uncle's sons, hence he recognize them. He further deposed that someone pushed him from behind, so he does not see anyone. He does not see who wrote his statement, his thumb impression was taken on a blank paper. He stated that whatever statement was given before the Court, was given voluntarily without any pressure.

11. Likewise, **P.W. 1 Inardeo Mahto** in his examination-in-chief he deposed that he knew Budhiya Kunwar and Brahmdeo Mahto, Budhiya Kunwar is his mother and Brahmdeo is his brother. He heard that his mother and brother were injured and they were treated at Lakari Nabiganj. He can not tell how his mother and brother were injured. His statement was not recorded before the police. He was declared hostile on the request of the prosecution and was cross-examined by Ld. P.P. He denied any previous statement given by him before the police. He identify the accused namely Deonath Yadav who present in the doc and he also recognize the other accused-persons who are not present in the Court today and 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 persons, he stated that the path his mother was taking to defecate is narrow and his mother slipped and that is why she fell. Brahmdeo Mahto went to lift his mother and in the process he got injured on his head and stomach due to being hit by a bamboo. No such incident as alleged in the case occurred. His statement was not recorded before the police. All the accused-persons are his pattidars, so he recognize them. He further deposed that whatever statement was given before the Court, was given voluntarily without any pressure.

12. P.W. 2 Vishundeo Mahto@ Vishwanath Mahto in his examination-in-chief he deposed that the occurrence took place about 6-7 years ago at about 6-7 A.M, at that time he returned home from farming when he saw a fight going on. He did not see who was hitting whom. His statement was not recorded before the police. He was declared hostile on the request of the prosecution and was cross-examined by Ld. P.P. He denied any previous statement given by him before the police. He identify the accused namely Deonath Mahto who present in the doc and he also recognize the other accused-persons who are not present in the Court today and 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 persons, he stated that it is very old incident, so he does not remember anything. He further deposed that whatever statement was given before the Court, was given voluntarily without any pressure. He did not see anyone on the day of the incident.

13. P.W. 4 Dr. Arun Kumar Avinash(Doctor), is medical officer and at the time of occurrence that on 19.09.2016 he was posted at P.H.C, Lakari Nabignj and on the same day, he was examined Brahmedo Mahto S/o- Ramanand Mahto, age 40 years/M, Vill-Lakhnaura, P.S-Basantpur, District-Siwan. After examination the injury report was written by him in his own handwriting.

After looking at the injury report of Brahmdeo Mahto, the witness states that this is the injury report which was written by him and it s also bears his signature at the foot. On examination, nature of all the injury was found simple. This injury report is marked as **Exhibit-P-1/PW4**.

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During his cross-examination by accused persons, the learned counsel for the defence declined to cross-examine the witness. Therefore, the witness is discharge.

14. P.W. 5 Kedarnath Prasad (I.O), he has stated in his examination-in-chief that on 13.09.2016, he was posted at Basantpur(Lakari Nabiganj) P.S, and on the same day, he took charge of the investigation of Basantpur P.S Case No. 198/2016 from SHO Abhijit Kumar. The endorsement on the formal FIR is in the handwriting and signature of SHO Abhijit Kumar, whom he recognize, and is marked as **Exhibit P-2/PW 5**. The formal FIR is in the handwriting and signature of the SHO, whom he recognize, and is marked as **Exhibit- P-3/PW 5**. After taking charge of the investigation, he recorded the FIR in the case diary and proceeded to the place of occurrence and took the statement of informant and witnesses Sakaldeo Mahto, Indradeo Mahto, Vishundeo Mahto and recorded in the case diary. The place of occurrence is situated in Lakhoura under Basantpur P.S(Lakari Nabiganj O.P). After receiving the injury report of injured, it was recorded in the case diary and the original injury report was attached with the case diary. After investigation, finding the case to be true, as per the instructions of senior officials, charge sheet No. 237/2016 dated 30.09.2016 was submitted against Sitaram Mahto, Jairam Mahto, Madan Mahto, Lallan Mahto and Deonath Mahto u/s 341, 323, 324, 308, 504/34 of IPC.

During his cross-examination by accused persons, he stated that he does not remember the day or date when he was posted at Basantpur Police Station. He was given given the responsibility of investigation on the same day the FIR was registered. He has not recorded the Khata No. and Khesra No. of the place of occurrence mentioned in his investigation in the case diary. There was a dispute between the parties. He further deposed that he had never met any of the accused and hence he did not record their statement in the diary. He denied the suggestion that his investigation is flawed.

15. 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 persons.

16. It is pertinent to mention herein that informant had deposed that in his examination-in-chief that while his mother was going, Sitaram

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Mahto, Jairam Mahto, Madan Mahto, Lalan Mahto and Devnath Mahto stopped her. When the informant asked them why they were stopping his mother, all the accused-persons started beating him, due to which he got injured and was treated in the hospital, whereas the informant has clearly deposed in Para No. 4 of in his cross-examination that someone pushed him from behind, so he did not see anyone.

Thus, although this witness corroborated the alleged occurrence, but his evidence goes beyond the general and specific allegations. Therefore, the accused-persons are given the benefit of doubt.

ORDER

17. 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-persons namely **(1) Devnath Mahto** S/o- Late Ramchandra Mahto, **(2) Jairam Mahto** S/o- Late Ramsevak Mahto, **(3) Sitaram Mahto** S/o- Late Ramsevak Mahto, **(4) Madan Mahto** S/o- Lakhichand Mahto, **(5) Lallan Mahto** S/o- Devnath Mahto are hereby **acquitted** from all charges of sections 323/34, 341/34, 324/34, 308/34, 504/34 of IPC.

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

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

20. 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 29th day of April, 2026.

Dictated and Corrected by me

S/d-
(Motish Kumar Singh)
Sessions Judge, Siwan.
29.04.2026.

S/d-
(Motish Kumar Singh)
Sessions Judge, Siwan.
29.04.2026.

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	Inardeov Mahto	Witness
P.W. 2	Vishundeo Mahto@ Vishwanath Mahto	Witness
P.W. 3	Brahmdeo Mahto	Witness(informant)
P.W. 4	Dr. Arun Kumar Avinash	Witness
P.W. 5	Kedarnath Prasad	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.	Exhibit- P-1/PW 4	Singnature of witness Dr. Arun Kumar Avinash on the injury report of injured Brahmdeo Mahto
2.	Exhibit- P-2/PW 5	Signature of SHO Abhijeet Kumar on the endorsement of written report.
3.	Exhibit- P-3/PW 5	Signature of SHO Ahijeet Kumar on Foraml FIR.

B. Defence:

Sr. No.	Exhibit Number	Description
1	Nil	
2	Nil	

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Nil	
2	Nil	

D. Material Objects:

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

S/d-
Sessions Judge, Siwan
29.04.2026

Date of Judgement/Order	29.04.2026
Date of Reserving Judgement/Order	28.04.2026
Uploading on	29.05.2026
Uploaded by	Nitesh Kumar

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