

1.
IN THE COURT OF Md. GHEYASUDDIN DISTRICT &
ADDITIONAL SESSIONS JUDGE-II
Vaishali at Hajipur
S.Tr no.-136/2026(Hajipur Sadar PS Case no.-441/2025)

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-II Vaishali at Hajipur Present Md. Gheyasuddin, District & Additional Sessions Judge-II Date of Judgment:-05.05.2026 S.Tr No.:- 136/2026 Case No.- <u>Hajipur Sadar PS Case no.-441/2025</u>	
REPRESENTED BY	Sri Ram Nath Mahto, A.P.P.
ACCUSED	1. Arjun Kumar, Son of Bansi Das, 2. Om Raj, Son of Manoj Patel, Both are R/o Village-Dighikala Purvi, PS-Hajipur Sadar, Dist-Vaishali,
REPRESENTED BY	Shree Shankar Paswan, Learned Advocate

Date of Offence	03.06.2025
Date of FIR	04.06.2025
Date of Charge-sheet	CS No.- 935/2025, dated- 20.11.2025
Date of Framing of Charges	15.04.2026
Date of Commencement of evidence	21.04.2026
Date on which judgment is reserved	05.05.2026
Date of the Judgment	06.05.2026
Date of the Sentencing Order, if any	

Accused Details:

Rank of the Accused	A-1
Name of Accused	Arjun Kumar
Date of Surrender/Arrest	07.10.2025
Date of Release on Bail	09.01.2026
Offences Charged with	u/s 329(3), 352/3(5), 109/3(5) of BNS
Whether Acquitted or convicted	Acquitted
Sentence Imposed	
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	3 months and 2 days

Accused Details:

Rank of the Accused	A-2
Name of Accused	Om Raj
Date of Surrender/Arrest	07.10.2025
Date of Release on Bail	09.01.2026
Offences Charged with	u/s 329(3), 352/3(5),

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	109/3(5) of BNS
Whether Acquitted or convicted	Acquitted
Sentence Imposed	
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	3 months and 2 days

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES :-

A. Prosecution

	Name	Nature of Evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
1.	Bidhu Devi	(Eye witness)
2.	Pappu Kumar	(Other witness)
3.	Ram Chandra Mahto @ Bhikhari Mahto	(Eye witness)

C. Defence Witnesses, if any:

Ran k	Name	Nature of Evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
DW 1		

D. Court Witnesses, if any:

Ran k	Name	Nature of Evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
CW 1		

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1	Exhibit-P-1/P.W-1	Written report.

B. Defence:

Sr. No.	Exhibit Number	Description
1.		

C. Court Exhibits:

Sr. No.	Exhibit Number	Description

3.
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D. Material Objects:

S r. N o.	Exhibit Number	Description

Present : Md. Gheyasuddin,
District & Additional Sessions Judge II,
Vaishali at Hajipur.

JUDGMENT

1. The aforesaid accused persons namely Arjun Kumar and Om Raj stand trial for committing offences punishable u/s 329(3), 352/3(5), 109/3(5) of BNS.
2. The prosecution case can be gleaned into short compass as follows:-

The prosecution case as per written report of informant Bidhu Devi, Ward Parisad-25, Nagar Parisad, Hajipur in brief is that on 03.06.2025 at 11:30 o'clock in the night on Monday her father-in-law Sri Ram Chandra @ Bhikhari Patel of Village+P.S- Dighikala, Hajipur Sadar, Dist-Vaishali was sitting at his door. In the meanwhile her neighbour Arjun Das, Son of Bansi Das, Om Raj, Son of Manoj Patel, both Village-Dighikala Purvi, PS- Hajipur, Dist-Vaishali along with his four other associate criminals were giving abuses after taking heroine. When her father-in-law objected from giving abuses and taking intoxication. Thereafter on assault with bricks on his head, eye, nose, ear, face and injured him with intention to kill. On hulla he along with her husband and another family members meet alarm then became adment to kill him. Her father-in-law was taken away to Sadar Hospital for treatment and got treatment.
3. On the basis of written report of informant Hajipur Sadar PS Case no. 441/2025, dated 04.06.2025 for the offence u/s 329(3), 359, 109, 3(5) of BNS was registered and the investigation of the case was entrusted to ASI Kishore Kunal Pandey against accused Arjun Kumar, Om Raj and other 4 as named in FIR.
4. The investigating officer on completion of investigation submitted charge sheet against both named FIR accused persons for the offence u/s 329(3), 352, 109, 3(5) of BNS. Accordingly cognizance was taken and the accused persons were summoned to face the trial.
5. In this case charge has been framed against accused persons for the offence u/s 329(3), 352/3(5), 109/3(5) of BNS to which they pleaded not guilty and claimed to be trial and accordingly trial of the case proceeded. The statement of the accused u/s 313 of the IPC was recorded in which they pleaded to be innocent.

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6. Now the pertinent question for consideration before this court is as to whether the prosecution has succeeded in bringing home the guilt of accused persons beyond all shadow of reasonable doubt?

FINDINGS

In this case prosecution has examined altogether 3 witnesses in support of it's case.

P.W-1 is Bidhu Devi informant of this case and P.W-2 is Pappu Kumar, and P.W-3 Ram Chandra Mahto is the injured as well as father-in-law of the informant.

7. P.W. 1, Bidhu Devi has said in his evidence that she is informant of this case. On 03.06.2025 at 11:30 o'clock in the night hr father-in-law Ram Chandra @ Bhikhari Patel was sitting at his door then her neighbour Arjun Kumar and Om Prakash along with 7 unknown assaulted to her father-in-law with bricks on his head, eye, nose, ear, face and injured him. Her husband objected then all became ready to kill him. Her father-in-law was treated at Sadar Hospital. She had given written report before Sadar Police Station which is in her writing and signature which she identifies and the same has been marked as Exhibit-P-1/P.W-1 on behalf of prosecution. She identify all accused persons. She identify Arjun Kumar and Om Prakash present before the court.

In cross-examination by the defence she said that occurrence took place at 11:00 o'clock in the night. At the time of occurrence she was sleeping in her room and when she came out from the house and saw her father-in-law injured. She further said that she could not see with her own eye who assaulted to her father-in-law. She also said that her house is near to the road and there was IPL match between Bangalore and Punjab and the boys were going celebrating the match. In the meanwhile both group started fighting with themselves and she could not see whose bricks hit her father-in-law. She also said that on the saying of people she named the accused persons in the case. She further said that she has compromise the case with accused persons when came to know the truth.

8. P.W-2, Pappu Kumar is the husband of informant. He has said in his evidence that on 03.03.2025 at Dighikala Arjun Kumar, Om Raj were assaulting his father when he went to save then they assaulted to him as well as his wife. He identify both accused and identify accused Arjun Kumar and Om Raj present before the court.

In cross-examination by the defence he said that he does not know anything about the occurrence. He was not present on the day of occurrence and when he

came back to house then got information that occurrence has taken place. He did not see anyone assaulting. He has also said that case has been compromised between the parties.

9. P.W-3, Ram Chandra Mahto is the injured as well as father-in-law of the informant. He said that on 03.06.2025 at 11:00 O'clock in the night Arjun Kumar and Om Raj along with 7 unknown with intention to kill assaulted with bricks on head, eye, neck, nose, face and injured him. When his son and daughter-in-law came to save then they also assaulted them and injured. The treatment was done at Sadar Hospital. He identified both accused and identified Arjun Kumar and Om Raj present before the court.

In cross-examination by the defence he said that he is retired government servant. His age is 65 years and does not clearly see with his eye. He was sleeping at 11:30 o'clock on the day of occurrence and there was darkness as there was no light. He further said that he could not see who assaulted to him. He further said that on the day of occurrence there was IPL match between Punjab and Bangalore and Bangalore won the match. The boys were celebrating the match and in the course they started fighting to each other and also thrown stone on each other due to which he sustained injury. He could not see who assaulted him. He was treated at Sadar hospital. He also said that he has compromised the case with his own sweet will and after compromise cordial relation has been restored. He has filed the compromise after putting his signature. He identified the accused as they are villager. He has no objection if the accused are acquitted from this case.

10. The learned lawyer on behalf of the defence said that the prosecution witnesses have not supported the prosecution case and the accused persons are innocent have not committed any offence and accordingly prayer has been made to acquit the accused persons from the charges levelled against them.
11. The learned Additional Public prosecutor on behalf of prosecution has argued that the witnesses examined on behalf of prosecution have supported the prosecution case accordingly prayed to convict the accused persons for the charges levelled against them.
12. It is pertinent to mention here that in this case compromise petition along with permission petition duly signed by both parties has been filed on 11.07.2025 which find place in this record and to this aspect the evidence

of informant P.W-1 Bidhu Devi, P.W-2 Pappu Kumar and P.W-3 Ram Chandra Mahto has come on the record who are injured as well as aggrieved of the offence. The offence u/s 329(3), 352 are compoundable by the parties themselves hence the compromise petition is accepted and the accused persons are acquitted from the charges u/s 329(3), 352 of IPC. So far as the charges for the offence u/s 109 of BNS is concerned the same is non compoundable and the same will be decided on merit and evidence available on record.

13. On scrutiny of the evidence of witness it is found that P.W. 1, Bidhu Devi has said in his evidence that she is informant of this case. On 03.06.2025 at 11:30 o'clock in the night her father-in-law Ram Chandra @ Bhikhari Patel was sitting at his door then her neighbour Arjun Kumar and Om Prakash along with 7 unknown assaulted to her father-in-law with bricks on his head, eye, nose, ear, face and injured him. Her husband objected then all became ready to kill him but in her cross-examination by the defence she said that occurrence took place at 11:00 o'clock in the night. At the time of occurrence she was sleeping in her room and when she came out from the house and saw her father-in-law injured. She further said that she could not see with her own eye who assaulted to her father-in-law. She also said that her house is near to the road and there was IPL match between Bangalore and Punjab and the boys were going celebrating the match. In the meanwhile both group started fighting with themselves and she could not see whose bricks hit her father-in-law. She also said that on the saying of people she named the accused persons in the case. She further said that she has compromised the case with accused persons when came to know the truth. P.W-2, Pappu Kumar is the husband of informant. He has said in his evidence that on 03.03.2025 at Dighikala Arjun Kumar, Om Raj were assaulting his father when he went to save then they assaulted to him as well as his wife but in his cross-examination by the defence he said that he does not know anything about the occurrence. He was not present on the day of occurrence and when he came back to house then got information that occurrence has taken place. He did not seen anyone assaulting. He has also said that case has been compromised between the parties. P.W-3, Ram Chandra Mahto is the injured as well as father-in-law of the informant. He said that on 03.06.2025 at 11:00 O'clock in the night Arjun Kumar and Om Raj along with 7 unknown with intention to kill assaulted with bricks on head, eye, neck, nose, face and injured him. When his son and daughter-in-law came to save then they also assaulted them and injured. The treatment was done at Sadar Hospital but in his cross-examination by the defence he said that he is retired government servant. His age is 65 years and does not clearly see with his eye. He was sleeping at 11:30 o'clock on the day of occurrence

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and there was darkness as there was no light. He further said that he could not see who assaulted to him. He further said that on the day of occurrence there was IPL match between Punjab and Bangalore and Bangalore won the match. The boys were celebrating the match and in the course they started fighting to each other and also thrown stone on each other due to which he sustained injury. He could not see who assaulted him. He also said that he has compromised the case with his own sweet will and after compromise cordial relation has been restored. He has filed the compromise after putting his signature. He identified the accused as they are villager. He has no objection if the accused are acquitted from this case. Moreover the case has been compromised between the parties and accordingly compromise petition dated 11.07.2025 along with permission petition has been filed which is on the record.

14. In view of this facts and circumstances of the case as well as, the evidence of prosecution witness discussed above, this court come to the findings that the prosecution has not been able to prove the charges u/s 329(3), 352/3(5), 109/3(5) of BNS levelled against the accused persons beyond all reasonable doubts.

15. In the result, I find and hold the above named accused persons namely Arun Kumar and Om Raj not guilty for the charges u/s 329(3), 352/3(5), 109/3(5) of BNS, accordingly acquitted there under. The accused persons are also discharged from the liability of their bail bonds and set at liberty.

Dictated and corrected by me

Md. Gheyasuddin
District & Additional Sessions Judge-2nd
Vaishali at Hajipur
06.05.2026

Md. Gheyasuddin
District & Additional Sessions Judge 2nd,
Vaishali at Hajipur,
06.05.2026