

1.
IN THE COURT OF Md. GHEYASUDDIN DISTRICT &
ADDITIONAL SESSIONS JUDGE-1
Vaishali at Hajipur
S.Tr no.-49/2018(Hajipur Town PS Case no.-315/2012)

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-1 Vaishali at Hajipur Present Md. Gheyasuddin, District & Additional Sessions Judge-1 Date of Judgment:-09.03.2026 S.Tr No.:- 49/2018 Case No.- Hajipur Town PS Case no.-315/2012	
REPRESENTED BY	Sri K.H Khan, A.P.P.
ACCUSED	1. Md. Kalam @ Ahmed Hussain, Son of Late Abdul Ahad, 2. Md. Jamal, Son of Md. Kalam @ Ahmed Hussain, 3. Md. Iqbal, Son of Md. Kalam @ Ahmed Hussain, 4. Md. Raju @ Sami Alam, Son of Md. Sahban, 5.Md. Mustakim, Son of Md. Saddik, 6.Md. Bablu @ Md. Iftekhhar Alam, Son of Md. Jaffar Hussain, 7. Md. Rizwan @ Golu, Son of Md. Kalam @ Ahmed Hussain, 8. Md. Kamal, Son of Md. Kalam @ Ahmed Hussain, All are R/o Village-Noongola, PS-Hajipur Town, Dist-Vaishali
REPRESENTED BY	Shree Saroj Kumar Paswan, Learned Advocate

Date of Offence	17.05.2012
Date of FIR	17.05.2012
Date of Charge-sheet	CS No.-90/2013, dated-08.03.2013
Date of Framing of Charges	19.04.2018
Date of Commencement of evidence	09.05.2018
Date on which judgment is reserved	06.03.2026
Date of the Judgment	09.03.2026
Date of the Sentencing Order, if any	

Accused Details:

Rank of the Accused	A-1
Name of Accused	Md. Kalam @ Ahmed Hussain
Date of Surrender/Arrest	18.06.2019
Date of Release on Bail	18.06.2019
Offences Charged with	u/s 307/149, 324/149, 148, 341/149, 379/149 of IPC
Whether Acquitted or convicted	Acquitted

2.

IN THE COURT OF Md. GHEYASUDDIN DISTRICT &
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Sentence Imposed	
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	Nil

Accused Details:

Rank of the Accused	A-2
Name of Accused	Md. Jamal
Date of Surrender/Arrest	18.06.2019
Date of Release on Bail	18.06.2019
Offences Charged with	u/s 307/149, 324/149, 148, 341/149, 379/149 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	Nil

Accused Details:

Rank of the Accused	A-3
Name of Accused	Md. Iqbal
Date of Surrender/Arrest	04.07.2013
Date of Release on Bail	04.07.2013
Offences Charged with	u/s 307/149, 324/149, 148, 341/149, 379/149 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	Nil

Accused Details:

Rank of the Accused	A-4
Name of Accused	Md. Raju @ Sami Alam
Date of Surrender/Arrest	04.07.2013
Date of Release on Bail	04.07.2013
Offences Charged with	u/s 307/149, 324/149, 148, 341/149, 379/149 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	Nil

Accused Details:

Rank of the Accused	A-5
Name of Accused	Md. Mustakim
Date of Surrender/Arrest	04.07.2013
Date of Release on Bail	04.07.2013
Offences Charged with	u/s 307/149, 324/149, 148, 341/149, 379/149 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	

3.
IN THE COURT OF Md. GHEYASUDDIN DISTRICT &
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Vaishali at Hajipur
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Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	Nil
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Accused Details:

Rank of the Accused	A-6
Name of Accused	Md. Bablu @ Md. Iftekhar Alam
Date of Surrender/Arrest	18.06.2019
Date of Release on Bail	18.06.2019
Offences Charged with	u/s 307/149, 324/149, 148, 341/149, 379/149 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	Nil

Accused Details:

Rank of the Accused	A-7
Name of Accused	Md. Rizwan @ Golu
Date of Surrender/Arrest	04.07.2013
Date of Release on Bail	04.07.2013
Offences Charged with	u/s 307/149, 324/149, 148, 341/149, 379/149 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	Nil

Accused Details:

Rank of the Accused	A-8
Name of Accused	Md. Kamal
Date of Surrender/Arrest	04.07.2013
Date of Release on Bail	04.07.2013
Offences Charged with	u/s 307/149, 324/149, 148, 341/149, 379/149 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.	Nil

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. Md. Akbar	(Eye witness)

C. Defence Witnesses, if any:

Rank Name	Nature of Evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)

4.
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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-1	Fard-byan

B. Defence:

Sr. No.	Exhibit Number	Description
1.		

C. Court Exhibits:

Sr. No.	Exhibit Number	Description

D. Material Objects:

S r. N o.	Exhibit Number	Description

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

JUDGMENT

1. The aforesaid accused persons namely Md. Kalam @ Ahmed Hussain, Md. Jamal, Md. Iqbal, Md. Raju @ Sami Alam, Md. Mustakim, Md. Bablu @ Md. Iftekhar Alam, Md. Rizwan @ Golu, Md. Kamal, stands trial for committing offences punishable u/s 307/149, 324/149, 148, 341/149, 379/149 of IPC.
2. The prosecution case can be gleaned into short compass as follows:-

The prosecution case as per fard-byan of informant Md. Akbar in brief is that on 17.05.2012 at about 08:45 o'clock in the night he was returning to his house and when he reached near Punjab bank then Son of Md. Kalam, Md. Iqbal @ Sonu, Md. Jamal, Md. Kamal, Son of Md Kalam, Md. Golu, Md. Meraj, Son of Late Karimbaksh, Md. Sahjad, Md. Miraj, Son of Md. Mustaquee, Raju, Son of Md. Saban, Md. Babloo, Son of Md. Jafar, Haider Ali, Son of Dost Mohammad, Md. Jamid Raja, Son of Md. Haider

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Ali, All of Village- Noon Gola, Hajipur Town, Dist-Vaishali restrained him and assaulted with lathi, rod caused injury and blood started oozing out. He also sustained injury on his face thereafter Md. Zaur Haque came to save him and they also assaulted to him due to which his head was fractured. Md. Amzad Hussain also sustained injury into right eye and foot. They assaulted to Md. Akbar with knife on chest due to which he sustained injury. Md. Nau-sad sustained injury on his left hand, chest and neck and became injured. Md. Zahir sustained injury on his right hand, Md. Zubaid sustained injury on head, nose and left hand and became injured. They also took away golden chain from his neck. When all persons became injured then they assaulted to Md. Nasurrudin on left foot with lathi due to which he was also injured. The cause of occurrence is election as he did not caste his vote in favour of person to whom they had told and to kill him they had committed the occurrence.

3. On the basis of fard-byan of informant Town PS Case no. 315/2012, dated 17.05.2012 was registered for the offence u/s 147, 148, 149, 341, 323, 324, 307, 379, 504 of the IPC was registered and the investigation of the case was entrusted to ASI P Tudoo.
4. The investigating officer on completion of investigation submitted charge sheet no. 90/2013, dated 08.03.2013 for the offence u/s 147, 148, 149, 341, 323, 324, 504, 307 of IPC against accused Md. Babloo, Md. Sahjad, Md. Raju, Md. Kalam, Md. Kamal, Md. Iqbal, Md. Rizban, Md. Zamal, Md. Mustaqin of Village- Noon Gola, Purvi, P.S-Hajipur Town, Dist-Vaishali and accordingly cognizance for the offence u/s 147, 148, 149, 341, 323, 324, 307, 504 of the IPC was taken by the learned CJM, Vaishali at Hajipur.
5. The case record was committed to the court of Session on 08.11.2017 and thereafter the case was committed to the court of ADJ-VIII and ultimately the case was received to this court on 18.09.2024 for trial and disposal.
6. In this case charge for offence u/s 341, 148, 324, 307, 379/149 of IPC was framed and explained to the accused persons to which they pleaded not guilty and claimed to be trial. The statement of the accused u/s 313 of the IPC was recorded in which they pleaded to be innocent.
7. 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 only one witness P.W-1 namely Md. Akbar, informant of this case.

8. P.W. 1, Md. Akbar the informant of the case has said in his evidence that occurrence took place on 17.05.2012. He was returning from his shop at 08:45 o'clock in the night after closing his shop and when he reached near Punjab Bank where Md. Kalam, Md. Iqbal, Md. Jamal, Md. Golu, Md. Babloo, Md. Sahjad, Md. Mustaqin, Raju, Md. Haider and Md. Jamil being armed re-

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strained him and assaulted him due to which he sustained injury. Thereafter some people came to save him and they also assaulted them because of occurrence is that he did not caste his vote in the election and due to which they assaulted him. His fard-byan was recorded by the Hajipur Nagar Police station and on which he put up his signature which he identifies and the same has been marked as Exhibit-1 on behalf of prosecution. He identify accused persons.

In cross-examination by the defence he said that he identifies accused as they are neighbour. He has said that he has compromised the case and counter case has already been compromised. He also said that if the case is disposed of on the basis of compromise he has got no objection. He has further said that on the day of occurrence there was election due to which there was gathering of the people and he could not see how he sustained injury. He also said that his statement has been recorded for the first time and no statement was recorded earlier. He further said that due to crowd he could not see who assaulted to whom. He also said that the accused persons came one by one and not together.

9. 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.
10. 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.
11. It is pertinent to mention herein that in this case compromise petition duly signed by the informant and accused persons has been filed on 21.05.2024 and to this effect the evidence of informant has come on the record. In this case all the injured persons have been examined and the charge has been framed for the offence u/s 307/149, 324/149, 148, 341/149, 379/149 in which some sections are non compoundable and all the injured persons have not been examined accordingly the case has been decided on merit and evidence available on record.
12. On scrutiny of the evidence of witness it is found that P.W. 1, Md. Akbar the informant of the case has said in his evidence that occurrence took place on 17.05.2012. He was returning from his shop at 08:45 o'clock in the night after closing his shop and when he reached near Punjab Bank where Md. Kalam, Md. Iqbal, Md. Jamal, Md. Golu, Md. Babloo, Sahjad, Mustaqin, Raju, Haider and Jamir being armed restrained him and assaulted him due to which he sustained injury. Thereafter some people came to save him and they also assaulted them because of occurrence is that he did not caste his vote in

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the election and due to which they assaulted him but in his cross-examination by the defence he said that he identifies accused as they are neighbour. He has said that he has compromised the case and counter case has already been compromised. He also said that if the case is disposed of on the basis of compromise he has got no objection. He has further said that on the day of occurrence there was election due to which there was gathering of the people and he could not see how he sustained injury. He further said that due to crowd he could not see who assaulted to whom. He also said that the accused persons came one by one and not together. Moreover the case has been compromised between the parties and accordingly compromise petition duly signed by both the parties and their respective lawyers has been filed which find place on the record. The investigating officer has not been examined in this case.

13. 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 307/149, 324/149, 148, 341/149, 379/149 of IPC of IPC levelled against the accused persons beyond all reasonable doubts.

14. In the result, I find and hold the above named accused persons namely Md. Kalam @ Ahmed Hussain, Md. Jamal, Md. Iqbal, Md. Raju @ Sami Alam, Md. Mustakim, Md. Bablu @ Md. Iftexhar Alam, Md. Rizwan @ Golu, Md. Kamal not guilty for the charges u/s 307/149, 324/149, 148, 341/149, 379/149 of IPC 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-1st
Vaishali at Hajipur
09.03.2026

Md. Gheyasuddin,
District & Additional Sessions Judge 1,
Vaishali at Hajipur,
Dated-09.03.2026