

IN THE COURT OF Md. GHEYASUDDIN DISTRICT ADDITIONALSESSIONS
JUDGE-II

Vaishali at Hajipur
S.Tr no.- 226/2018 (Jandaha PS Case no.- 22/2014)

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-II	
Vaishali at Hajipur	
Present - Md. Gheyasuddin, District & Additional Sessions Judge-2	
Date of Judgment :- 06.06.2026	
S.Tr No.:- 226/2018	
Case No.- <u>Jandaha PS Case no.- 22/2014</u>	
REPRESENTED BY	Sri Raj Kumar Singh, A.P.P.
ACCUSED PERSONS	1. Suresh Rai, aged about 60 years, S/o- Sri Sikhdeo Rai, 2. Ganesh Rai, aged about 50 years, S/o Sri Sikhdeo Rai, 3. RamNaresh Rai, Aged-50 years, Son of Shree Shikhdev Rai, 4.Pankaj Kumar, aged about 36 years, S/o- Sri Suresh Rai, 5. Manjai Rai, aged about 27 years S/o Sri Suresh Rai, 6. Sita Devi, aged about 40 years, D/o Sri Naresh Rai, 7. Sunila Devi, aged about 56 years, D/o Sri Suresh Rai, All R/o Jagdishpur, P.S.- Jandaha, Dist -Vaishali,
REPRESENTED BY	Sri Mahesh Kumar Singh, Learned Advocate

Date of Offence	24.01.2014
Date of FIR	25.01.2014
Date of Charge-sheet	30.11.2014
Date of Framing of Charges	09.07.2019
Date of Commencement of evidence	29.04.2024
Date on which judgment is reserved	05.06.2026
Date of the Judgment	06.06.2026
Date of the Sentencing Order, if any	

Accused Details:

Rank of the	Name of Accused	Date of Arrest/Surrender	Date of Released on Bail	Offences Charged with	Whether Acquitted or	Setence Imposed	Period Of Detention Undergone
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Accused					Convicted	sed	during trial for purpose of section 428 of Cr.PC.
A-1	Suresh Rai	23.09.2014	23.09.2014	u/s 307/149, 342/149, 148, 379/149 IPC.	Acquitted	NIL	NIL
A-2	Ganesh Rai	23.09.2014	23.09.2014	u/s 307/149, 342/149, 148, 379/149 of IPC.	Acquitted	NIL	NIL
A-3	Ram Naresh Rai	23.09.2014	23.09.2014	u/s 307/149, 342/149, 148, 379/149 of IPC.	Acquitted	NIL	NIL
A-4	Pankaj Kumar	23.09.2014	23.09.2014	u/s 307/149, 342/149, 148, 379/149 of IPC.	Acquitted	NIL	NIL
A-5	Manjay Kumar	23.09.2014	23.09.2014	u/s 307/149, 342/149, 148, 379/149 of IPC.	Acquitted	NIL	NIL
A-6	Sita Devi	23.09.2014	23.09.2014	u/s 307/149, 342/149, 148, 379/149 of IPC.	Acquitted	NIL	NIL
A-7	Sunila Devi	23.09.2014	23.09.2014	u/s 307/149, 342/149, 148, 379/149 of IPC.	Acquitted	NIL	NIL

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES :-

A. Prosecution

Rank	Name	Nature of Evidence (Eye witness, police witness, expert
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		witness, medical witness, panch witness, other witness)
P.W.1	Dineshwar Ray	(Informant)
P.W.2	Mithilesh Ray	(other witness)
P.W.3	Machhiya Devi	(other witness)

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

Rank	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.		
2.		

B. Defence:

Sr. No.	Exhibit Number	Description
1.		

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1.		

D. Material Objects:

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Sr. No.	Exhibit Number	Description
1.		

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

J U D G M E N T

1. The aforesaid accused persons namely, 1. Suresh Rai, 2. Ganesh Rai, 3. Ram Naresh Rai, 4. Pankaj Kumar, 5. Manjay Kumar, 6. Sita Devi and 7. Sunila Devi stand trial for committing offence punishable u/s 307/149, 342/149, 148, 379/149 of IPC.

2. The prosecution case can be gleaned into short compass as follows:-

The prosecution case as per written report of informant in brief is that on 24.01.2014 at 08:00 o'clock in the morning Suresh Rai, Son of Shikhdev Rai of Village- Jagdishpur had taken away her buffalow. When he came to know about it then at 12:00 o'clock he went to bring her buffalow and asked why you have taken away and committed theft of buffalow. Thereafter he alongwith Ganesh Rai, Ram Naresh Rai, Pankaj Kumar, Manjay Kumar, Sita Devi, Sunila Devi all of Village-Jagdishpur, PS-Jandaha, Dist-Vaishali all started giving him filthy abuses. When he objected from giving abuses then they all assaulted with lathi, danda. Thereafter her son Mithlesh Rai, her wife Machiya Devi came to save him then they all assaulted with bhala to his son Mithlesh Rai on head with intention to kill due to which he sustained injury and fell down on the ground. Ramgati Rai also took away four gold jitiya of her wife and Ganesh Rai took away mobile of his son. They had also assaulted to her buffalow with lathi. Suresh Rai assaulted with bhala on head due to which injury was caused. They also took away clothes and ornaments from the box.

3. On the basis of written report of informant Jandaha PS Case no.- 22/2014, dated 25.01.2014 for the offence u/s 147, 148, 149, 341, 323, 324, 307, 379, 504 of IPC was registered against accused persons namely Suresh Rai, Pankaj Rai, Manjay Kumar, Ganesh Rai, Ram Naresh Rai, Sita Devi, Sunila

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Devi as named in the FIR and the investigation of the case was entrusted to S.I. M.K Jha.

4. The investigating officer on completion of investigation submitted charge sheet no. 344/2014, dated 30.11.2014 for the offence u/s 147, 148, 149, 341, 323, 325, 307, 504 of IPC against persons namely Suresh Rai, Pankaj Rai, Manjay Kumar, Ganesh Rai, Ram Naresh Rai, Sita Devi, Sunila Devi. 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 307/149, 342/149, 148, 379/149 of the IPC 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.
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

7. In this case prosecution has examined altogether 3 witnesses in support of its case. P.W-1 is Dineshwar Ray, P.W-2 is Mithilesh Rai and P.W-3 is Machiya Devi.
8. P.W. 1, Dineshwar Rai has said in his evidence that occurrence took place on 24.01.2014. He has said that her buffalo had entered into the field of neighbour Suresh Rai. When he got information then at 12:00 O'clock he went to take away buffalo and told why you have committed theft of buffalo. Thereafter Ganesh Rai, Ram Naresh Rai, Pankaj, Suresh Rai, Manjay Kumar, Sita Devi, Sunila Devi all of Village-Jagdishpur started giving abuses. She objected from giving abuses then all assaulted with lathi, danda and when his son Mithlesh Rai and wife Machiya Devi came to save him then all assaulted them and assaulted to his son Mithlesh with bhala due to which he sustained injury and fell on the ground. In the course of assault Ramgati Rai took away gold jitiya from the neck of his wife and Ganesh Rai took away mobile. They also had assaulted buffalo with lathi. They took away ornaments and clothes

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from the box. He filed written report got written from another person on which he put up his thumb impression. He claimed to identify accused persons and identify accused Suresh Rai present before the court.

In cross-examination by the defence he said that this case has been compromised and the counter case has already been compromised and disposed of. He along with wife and son put up signature on the compromise petition. He further said that he did not see who assaulted to whom with what object. He also said that the box and ornaments was found in the box. He further said that he does not want to proceed with the case. He also said that he did not see who assaulted to Mithlesh Rai. He identified accused as they are villager.

9. P.W-2, Mithlesh Rai is the son of the informant as well as injured of the occurrence. The occurrence took place 10 years ago. He further said that her buffalow had entered into the door of the Suresh Rai and he went to bring the buffalow and occurrence took place with Suresh Rai, Pankaj Rai, Manjay Kumar, Ganesh Rai, Ram Naresh Rai, Sita Devi, Sunila Devi. He further said that he does not know anything about the occurrence and his statement was not recorded by police. He further said that there was minor assault and he had sustained injury on the head which he does not know who assaulted to whom. He also said that during assault he faint and did not say who assaulted. They were treated at Jandaha hospital by Dr. Bindu. The occurrence took place for buffalo. He identified Suresh Rai present before the court and claimed to identify other accused persons.

In cross-examination by the defence he said that there were 2 to 3 persons present at the place of occurrence. He could not see any sharp cutting weapon in the hand of any accused. He further said that there was scuffling due to which he fell down on the road and sustained injury on the head and he was also fainted. The accused persons are neighbour. The counter case was also filed by the accused persons and this case as well as counter case has been compromised and the counter case has been disposed of. He also said that the witness of this case Lagandev Rai and Rudal Rai has died whereas Baleshwar and

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Kaleshwar Rai are bedridden and not in a sound mental condition.

10. P.W-3, Machiya Devi is the wife of informant as well as injured of the occurrence. She has said that she does not remember the date of occurrence but took place 7 to 8 years ago. The occurrence had taken place between her son and Jaut Suresh Rai, Naresh Rai, Ganesh Rai and Pankaj. She had not sustained injury. She further said that her buffalo was being taken away by Suresh Rai then her son went to said why you are taking away buffalo and for the same there was scuffling and his son was injured but no other sustained injury. He claimed to identify accused persons and identify accused Suresh Rai present before the court.

In cross-examination by the defence he said that her buffalo had entered into the door of Suresh Rai and for the same there was altercation took place between them. She further said that she did not see any assault with her own eye.

11. 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 and has not committed any offence and accordingly prayer has been made to acquitted the accused persons from the charges levelled against them.
12. 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.
13. It is pertinent to mention here that in this case compromise petition along with permission petition duly signed by the informant and accused persons have been filed on 16.02.2019 which find place in this record. In this case charge has been framed for the offence u/s 148, 342, 379, 304/139 of the IPC. The offence u/s 342 is compoundable by the parties themselves and to this effect the evidence of injured namely P.W-1 Dineshwar Rai(informant), P.W-2 Mithlesh Rai(informant's son) and P.W-3 Machiya Devi who are injured as well as aggrieved of the offence. The offence u/s 148 is compoundable by the parties themselves and the accused persons are acquitted u/s 320, (8) of the

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code of criminal procedure for charge u/s 148 of the IPC. So far as the other charges are concerned the same are non compoundable hence the same will be decided on merit and the evidence available on the record.

14. On scrutiny of the evidence of witness it is found that P.W. 1, Dineshwar Rai has said in his evidence that occurrence took place on 24.01.2014. He has said that her buffalow had entered into the field of neighbour Suresh Rai. When he got information then at 12:00 O'clock he went to take away buffalow and told why you have committed theft of buffalo. Thereafter Ganesh Rai, Ram Naresh Rai, Pankaj, Suresh Rai, Manjay Kumar, Sita Devi, Sunila Devi all of Village-Jagdishpur started giving abuses. She objected from giving abuses then all assaulted with lathi, danda and when his son Mithlesh Rai and wife Machiya Devi came to save him then all assaulted them and assaulted to his son Mithlesh with bhala due to which he sustained injury and fell on the ground. In the course of assault Ramgati Rai took away gold jitiya from the neck of his wife and Ganesh Rai took away mobile. They also had assaulted buffalow with lathi. They took away ornaments and clothes from the box but in his cross-examination by the defence he said that this case has been compromised and the counter case has already been compromised and dispose of. He along with wife and son put up signature on the compromise petition. He further said that he did not see who assaulted to whom with what object. He also said that the box and ornaments was found in the box. He further said that he does not want to proceed with the case. He also said that he did not see who assaulted to Mithlesh Rai. P.W-2, Mithlesh Rai is the son of the informant as well as injured of the occurrence. The occurrence took place 10 years ago. He further said that her buffalow had entered into the door of the Suresh Rai and he went to bring the buffalow and occurrence took place

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with Suresh Rai, Pankaj Rai, Manjay Kumar, Ganesh Rai, Ram Naresh Rai, Sita Devi, Sunila Devi. He further said that he does not know anything about the occurrence and his statement was not recorded by police. He further said that there was minor assault and he had sustained injury on the head which he does not know who assaulted to whom. He also said that during assault he faint and did not say who assaulted. They were treated at Jandaha hospital by Dr. Bindu. The occurrence took place for buffalo. He identified Suresh Rai present before the court and claimed to identify other accused persons but in his cross-examination by the defence he said that there were 2 to 3 persons present at the place of occurrence. He could not see any sharp cutting weapon in the hand of any accused. He further said that there was scuffling due to which he fell down on the road and sustained injury on the head and he was also fainted. The accused persons are neighbour. The counter case was also filed by the accused persons and this case as well as counter case has been compromised and the counter case has been disposed of. He also said that the witness of this case Lagandev Rai and Rudal Rai has died whereas Baleshwar and Kaleshwar Rai are bedridden and not in a sound mental condition. P.W-3, Machiya Devi is the wife of informant as well as injured of the occurrence. She has said that she does not remember the date of occurrence but took place 7 to 8 years ago. The occurrence had taken place between her son and Jaut Suresh Rai, Naresh Rai, Ganesh Rai and Pankaj. She had not sustained injury. She further said that her buffalo was being taken away by Suresh Rai then her son went to said why you are taking away buffalo and for the same there was scuffling and his son was injured but no other sustained injury. He claimed to identify accused persons and identify accused Suresh Rai present before the court but in her cross-examination by the defence she said

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that her buffalo had entered into the door of Suresh Rai and for the same there was altercation took place between them. She further said that she did not see any assault with her own eye. 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.

15. 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, 342/149, 148, 379/149 of the IPC levelled against the accused persons beyond all reasonable doubts.
16. In the result, I find and hold the above named accused persons namely 1. Suresh Rai, 2. Ganesh Rai, 3. Ram Naresh Rai, 4. Pankaj Kumar, 5. Manjay Kumar, 6. Sita Devi and 7. Sunila Devi not guilty for the charges u/s 307/149, 342/149, 148, 379/149 of the 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-II
Vaishali at Hajipur
06.06.2026

Md. Gheyasuddin,
District & Additional Sessions Judge II,
Vaishali at Hajipur,
Dated-06.06.2026