

1.
IN THE COURT OF Md. GHEYASUDDIN DISTRICT &
ADDITIONAL SESSIONS JUDGE-II
Vaishali at Hajipur
S.Tr no.-628/2023(Sadar PS Case no.-777/2020)

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.:- 628/2023 Case No.- <u>Hajipur Sadar PS Case no.-777/2020</u>	
REPRESENTED BY	Sri Raj Kumar Singh, A.P.P.
ACCUSED	1. Sudhir Kumar Sah, Son of Late Satrudhan Sah, R/o Village- Arara, PS-Hajipur Sadar, Dist-Vaishali, 2. Randhir Kumar Sah, Son of Late Satrudhan Sah, Both are R/o Village- Arara, PS-Hajipur Sadar, Dist-Vaishali,
REPRESENTED BY	Shree Vinay Kumar, Learned Advocate

Date of Offence	20.11.2020
Date of FIR	25.11.2020
Date of Charge-sheet	CS No.- 179/2021, dated- 28.02.2021
Date of Framing of Charges	31.01.2024
Date of Commencement of evidence	13.02.2024
Date on which judgment is reserved	04.05.2026
Date of the Judgment	05.05.2026
Date of the Sentencing Order, if any	

Accused Details:

Rank of the Accused	A-1
Name of Accused	Sudhir Kumar Sah
Date of Surrender/Arrest	18.02.2021
Date of Release on Bail	18.02.2021
Offences Charged with	u/s 323/34, 324/34, 341/34 and 307/34 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-2
Name of Accused	Randhir Kumar Sah
Date of Surrender/Arrest	18.02.2021

2.
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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. Suresh Patel	(Other witness)
2. Raj Kumar Ray	(Eye witness)

C. Defence Witnesses, if any:

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

D. Court Witnesses, if any:

Ran Name k	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

3.
IN THE COURT OF Md. GHEYASUDDIN DISTRICT &
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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 Sudhir Kumar Sah and Randhir Kumar Sah stand trial for committing offence punishable u/s 323/34, 324/34, 341/34 and 307/34 of IPC.

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

The prosecution case as per FIR recorded on the basis of fard-byan of informant Raj Kumar Rai in brief is that on 20.11.2000 at 19:23 o'clock recorded in Sadar Hospital, Hajipur is that at 06:00 o'clock he has gone to clean the ghat. He was returning at 04:30 o'clock in the evening from grocery shop. In the meantime he felt urination and started to finding out the place for urination and seeing proper place was going to the back of lovely grocery shop then shopkeeper Sudhir Kumarr Sah, Randhir Kumar Sah of Village-Arrara, PS- Hajipur Sadar objected him from urination as Sudhir Kumar sale liquor hidden behind the shop and apprehending that he will see the liquor as such he was objecting from going for urinatin and it will go into the knowledge of the public. He went and started urinating in the meanwhile Sudhir Kumar Sah started as-saulting him with rod with intention to kill due to which his left foot was cut and he fell down and became unconscious. In the meantime thereafter he assaulted with foot and considering him dead left him. On alarm his brother came and with the help of the people brought him to Sadar Hospi-tal where he got treatment.

3. On the basis of fard-byan of informant Raj Kumar Rai Sadar PS Case no. 777/2020, dated 25.07.2020 for the offence u/s 341, 323, 324, 307/34 of IPC was instituted against accused Sudhir Kumar Sah and Randhir Ku-mar Sah as named in the FIR and the investigation of the case was en-trusted to ASI Ranjan Kumar.
4. The investigating officer on completion of investigation submitted charge sheet against both named FIR accused persons for the offence u/s 341, 323, 324, 307/34 of IPC. Accordingly cognizance was taken and the ac-cused persons were summoned to face the trial.
5. In this case charge has been framed against accused persons for the of-fence u/s 323, 324, 341, 307/34 of IPC to which they pleaded not guilty

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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

In this case prosecution has examined altogether 2 witnesses in support of it's case.

P.W-1 is Suresh Patel and P.W-2 is Raj Kumar Rai the informant of this case.

7. P.W. 1, Suresh Patel has said in his evidence that he does not know anything about the occurrence and his statement was not recorded by the police. This witness has been declared hostile on the request by prosecution and on being allowed he has been cross-examined by the prosecution but nothing substantial has come on the record.

In cross-examination by the defence he has said that he has come to give evidence on receiving sum-
mon.

8. P.W-2, Raj Kumar Rai has said in his evidence that occurrence took place in the year 2020 in the evening. He went for urination then altercation took place with Sudhir Kumar Sah and he sustained injury and brought to Sadar hospital for treatment. He give his fard-byan and FIR was lodged.

In cross-examination by the defence he said that he does not remember the date and time of the occurrence. He said that he sustained injury after falling. He also said that he cannot say who assaulted to him from behind. He also said that he has given his evidence with own sweet will.

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 here that in this case compromise petition along with permission petition duly signed by both parties has been filed on 19.01.2021 which find place in this record. The offence u/s 341, 323 are compoundable by the parties themselves and the offence u/s 324 is com-

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poundable with the permission of the court. The accused persons have voluntarily compromise the case as such permission is accorded to compromise the case and the accused persons are acquitted u/s 320, 8(4) of the code of criminal procedure from the charges u/s 341, 323, 324 of IPC. So far as the charge for the offence u/s 307 of IPC is concerned the same is non-compoundable and the same will be decided on merit and evidence available on record.

12. On scrutiny of the evidence of witness it is found that P.W. 1, Suresh Patel has said in his evidence that he does not know anything about the occurrence and his statement was not recorded by the police. This witness has been declared hostile on the request by prosecution and on being allowed he has been cross-examined by the prosecution but nothing substantial has come on the record. P.W-2, Raj Kumar Rai has said in his evidence that occurrence took place in the year 2020 in the evening. He went for urination then altercation took place with Sudhir Kumar Sah and he sustained injury and brought to Sadar hospital for treatment but in cross-examination by the defence he said that he does not remember the date and time of the occurrence. He said that he sustained injury after falling. He also said that he cannot say who assaulted to him from behind. Moreover the case has been compromised between the parties and accordingly compromise petition dated 19.01.2021 along with permission petition has been filed which is on the record.

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 323/34, 324/34, 341/34 and 307/34 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 Sudhir Kumar Sah and Randhir Kumar Sah not guilty for the charges u/s 323/34, 324/34, 341/34 and 307/34 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-2nd
Vaishali at Hajipur
05.05.2026

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District & Additional Sessions Judge 2nd,
Vaishali at Hajipur,
05.05.2026