

Court of District & Addl. Sessions Judge II, Gopalganj

FORM A

COURT OF DISTRICT & Addl. SESSIONS JUDGE-II, Gopalganj.	
Present:- Sri Kailash Joshi, District & Addl. Sessions Judge-II, Gopalganj	
<u>S.Trial- 738/2024</u>	
(Arising out of Kateya P.S Case No. 297/2024 dated 02.08.2024, u/s- 103(1), 238(a), 3(5) BNS)	
Complainant	STATE OF Bihar through Rugda Devi, Informant
REPRESENTED BY	Sri Suresh Dwivedi, Ld. A.P.P.
ACCUSED PERSONS	1. Ravindra Kumhar S/o- Mahanth Kumhar, aged NA 2. Ghirauli Devi @ Gangajali Devi @ Dhuraili Devi, D/o- Mahanth Kumhar, aged about 62 Years 3. Mahanth Kumar @ Mahanth Prajapati, S/o- Late Lalu Kumhar @ Lalu Prajapati, aged about 65 years 4. Gultani, S/o- Ramdayal Kumhar, aged about 22 years 5. Sonu Kumhar, S/o- Ramdayal Kumhar, aged about 22 years All R/O Village Sukrauli, P.S. Kateya, District Gopalganj, Bihar.
REPRESENTED BY	Sri Manoj Kumar Ojha advocate for the defense.

FORM B

Date of offence	31-07-2024
Date of F.I.R.	16-07-2017
Date of Charge-sheet	22-10-2024
Date of Cognizance	25-10-2024 for the accused Ravindra Kumhar & Ghirauli Devi @ Gangajali Devi @ Dhuraili Devi. 19.11.2025 for the accused Mahanth Kumar @ Mahanth Prajapati, Gultani & Sonu Kumhar.
Date of Framing of Charges	25-02-2025
Date of commencement of evidence	26-03-2025
Date on which Judgment is reserved	29-06-2026
Date of Judgment	10-08-2026
Date of the Sentencing Order, if any	Acquitted

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Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest/surrender	Date of Release on Bail	Offences Charged with	Whether Acquitted or Convicted
1.	Ghirauli Devi	03.08.2024	15.04.2025	U/s 103(1), 238(a), 3(5) BNS	Acquitted
2.	Ravindra Kumhar	12.08.2024	15.04.2025	U/s 103(1), 238(a), 3(5) BNS	Acquitted
3.	Mahanth Kumar @ Mahanth Prajapati	22.08.2025	Still in custody	U/s 103(1), 238(a), 3(5) BNS	Acquitted
4.	Gultani	22.08.2025	Still in custody	U/s 103(1), 238(a), 3(5) BNS	Acquitted
5.	Sonu Kumhar	22.08.2025	Still in custody	U/s 103(1), 238(a), 3(5) BNS	Acquitted

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W. 1	Manju Devi	Other Witness
P.W. 2	Ram Avtar Pandit @ Ramavtar Prajapati	Other witness
P.W. 3	Rugda Devi	Informant
P.W. 4	Suryajeet Kumar, Sub-Inspector	Part Investigating Officer
P.W. 5	Ranjeet Kumar	Other Witness
P.W. 6	Alok Kumar, S.I.	Part Investigating Officer
P.W. 7	Mukesh Kumar	Investigating Officer

B. Defence Witnesses, if any: NIL, C. Court Witnesses, if any:- NIL

LIST OF PROSECUTION / DEFENCE/COURT EXHIBITS

A. Prosecution:

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Sr. No.	Exhibit Number	Description
1	Exhibit-P2/P.W.7	Charge-sheet submitted by S.I. Mukesh Kumar
2	Exhibit- P1/P.W.6	Endorsement of the FIR

B. Defence: NIL, C. Court Exhibits: NIL, D. Material Objects: NIL.

J U D G M E N T

1. Hazari has been filed on behalf of the accused persons namely Ghirauli Devi & Ravindra Kumhar while rest three accused persons namely Mahanth Kumar @ Mahanth Prajapati, Gultani and Sonu Kumhar were produced from the custody. Accused persons namely **1.Ghirauli Devi 2. Ravindra Kumhar 3. Mahanth Kumar @ Mahanth Prajapati 4. Gultani and 5. Sonu Kumhar** were sent up for trial on the basis of report under the Code of Criminal Procedure, 1973 (Cr.P.C) upon conclusion of investigation into First Information Report of **Kateya P.S Case No. 297/2024 dated 02.08.2024, u/s- 103(1), 238(a), 3(5) BNS.**
2. Prosecution case as stated in the written application of informant Rugda Devi is that she has received the phone call from her married daughter wherein she stated that her parents-in-law and other in-laws would kill her and later on the informant came to know that her daughter was killed. Informant further alleged that the husband of her daughter Ravindra Kohar was also involved in the occurrence. Hence, the present FIR.
3. Cognizance of the offence has been taken on two different dates. On **25.10.2024** cognizance of the offense have been taken against accused persons namely Ravindra Kumhar & Ghirauli Devi @ Gangajali Devi @ Dhuraili Devi & on 19.11.2025 cognizance of the offence have been taken against the accused persons namely Mahanth Kumar @ Mahanth Prajapati, Gultani & Sonu Kumhar U/s- **103(1), 238(a), 3(5) BNS.**
4. After investigation I.O. found the case true and submitted Charge-sheet U/s **103(1), 238(a), 3(5) BNS**, On the basis of Charge-sheet **A.C.J.M-VI, Gopalganj** took cognizance U/s **103(1), 238(a), 3(5) BNS** against the accused persons and after appearance of the accused persons A.C.J.M.-VI, Gopalganj complying with Section 207 Cr.P.C. committed the case record on 26-11-2025 for three accused Mahanth Kumhar, Gulteni, and Sonu Kumhar and dated 27-11-2024 for Ravindra Kumhar and Ghureli Devi to the Court of Principal Sessions Judge, Gopalganj, for trial and ultimately this case record came to D.A.J.-II for trial and disposal on 13.12.2024. Further, during progress of the trial two sessions trial has been amalgamated vide order dated 13.04.2026. S.Tr. 689/25 has been enclosed with S.Tr. No. 738/24.

Framing of Charge

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5. After hearing the **Sri Suresh Dwivedi Ld. A.P.P.** for the State and the learned counsel for the accused, charge for the commission of offence punishable under Sections 103(1), 238(a), 3(5) BNS, on **1.Ghirauli Devi 2. Ravindra Kumhar** were framed on 25-02-2025 and against the three accused **1. Mahanth Kumar @ Mahanth Prajapati 2. Gultani and 3. Sonu Kumhar** charge framed on 19-01-2026 to which the accused persons did not plead guilty and claimed for trial.

Statement of Accused

6. After conclusion of prosecution evidence, statement of the accused persons U/s 313 of Cr.P.C was recorded on **11-05-2026** wherein the accused persons namely **1.Ghirauli Devi 2. Ravindra Kumhar 3. Mahanth Kumar @ Mahanth Prajapati 4. Gultani and 5. Sonu Kumhar** denied the correctness of all the incriminating circumstances appearing in the evidence against him and stated that he has been falsely implicated in the case.

FINDINGS

Prosecution Witnesses

7. To prove the above-mentioned charge against the accused, the prosecution examined altogether 07 witnesses in the case namely **P.W.1 Manju Devi, P.W.2. Ram Avtar Pandit @ Ramvatar Prajapati, P.W.3. Rugda Devi, P.W.4. Suryajeet Kumar, P.W.5. Ranjeet Kumar, P.W.6. Alok Kumar, P.W.7. Mukesh Kumar** of the case have been examined.

Discussions of Prosecution Evidence

8. **P.W.1 Manju Devi in her examination in chief** has stated that she is the sister of Rinku Devi. Rinku Devi Married with Ravindra Kohar about 8-9 years ago. She further stated that the occurrence occurred about 5-6 months ago. Rinku Devi was already ill and and undergoing treatment. She was passed away during her treatment.
9. **P.W. 2 Ram Avatar Pandit @ Ramvatar Prajapati in his examination in chief** has stated that the occurrence occurred about 5-6 months ago at 04:00 pm. Rinku Devi had been ill for a long time and was undergoing treatment. She died during the treatment.
10. **P.W 3 Rugda Devi in her examination in chief** has stated that she is the informant of this case. Her daughter Rinku Devi married to Ravindra. She further stated that the occurrence occurred about one year ago. That time her daughter at in-laws house. She further also stated that her daughter died of illness.
11. **P.W 4 Suryajeet Kumar in his examination in chief** he is the S.I. of Kateya P.S. He stated that the responsibility of investigation of Kateya Police Station Case No. 297/2024 dated 02-08-2024 was handed over to him by Police Station Officer Kateya, Rajnish Prakash Pandey on 18-8-2025 due to transfer of the previous

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investigations. He further stated that he observed the case and coming to the court and observing Kateya police station case number 297/2024, he came to know that Mahanth Kumhar alias Mahanth Prajapati, Guletini and Sonu Kumhar all three of them surrendered in the Hon'ble court on 22-08-2025. He further also stated that thereafter, on 13-11-2025 he submitted supplementary charge sheet No. 873/2025, dated 13-11-2025 against the above three in the Hon'ble court.

12. **P.W 5 Ranjit Kumar in his examination in chief** has stated that his sister Rinku Devi married to Ravindra Kumhar. He further stated that police has not recorded his statement. He has been declared hostile and not supported the prosecution case.

13. **P.W 6 Alok Kumar in his examination in chief** is Investing Officer who has done the investigation in this case and submitted charge sheet against the accused. He was posted as S.I. cum Additional Station House Officer at Kateya Police Station. On that date Rugda Devi came to his police station and submitted a written application. On the basis of the said application was registered and started the investigation. He further stated that the endorsement on this case is in his handwriting and bears his signature. For the purpose of identification, the same is marked as Exhibit – P1/ P.W. 6. He further also stated that after taking over the investigation of this matter, he recorded the re-statement of the complainant, who fully corroborated the contents of the FIR and the incident. He also recorded the statements of witness Ranjeet Kumar and witness Manju Devi and entered the same in the case diary. He further also stated that thereafter, he inspected the place of occurrence. The first place of occurrence in this case is the house of Mahanth Kumhar alias Mahanth Prajapati. It was stated that by the complainant and the witnesses that at this place Rinku Devi was strangulated to death and thereafter, her body was taken a short distance away to a field and set on fire. He further stated that he recorded the statement of witness Ram Avatar Prjapati. Ram Avatar stated he had knowledge as to how the death occurred and further stated that body was set on fire at a distance of 500 meters from the house of Mahanth Prajapati. He further stated that the second place of occurrence in this case is the paddy field belonging to the prime accused, situated 500 meters west of the house of the accused Mahanth Kumhar alias Mahanth Prajapati. It is alleged that Rinku Devi was set on fire at this place. He further also stated that both the places have been inspected by the FSL team. Ravindra was arrested and produced before the court.

14. **P.W 7 Mukesh Kumar in his examination in chief** has stated that he was posted as S.I. at Kateya Police Station on 20-10-2024. He took up Kateya Police Station Case No. 297/2024 on 20-10-2024. After that, he reviewed the case diary, found evidence against the accused and in the light of the order of the senior officer, submitted charge sheet No. 553/2024 dated 22-10-2024 u/s 103(1), 238(a), 3(5) BNS against Ghureli Devi and Ravindra Kumhar.

DEFENCE EVIDENCE

15. The accused lead no defence evidence in support of his defence.

Arguments of the Counsels

16. Heard the argument of the Ld. Counsels for the defense. It has been submitted that in this case informant of the case has not supported the case even she became hostile as P.W3. So, against the accused person the prosecution has not able to prove charges framed against him.
17. On the other hand **Ld. A.P.P. Suresh Dwivedi** presenting the state has submitted that on the basis of evidence appropriate order to be passed.

CONCLUSION & SCRUTINY OF ORAL EVIDENCE

18. Five accused persons are facing the trial for the charge of section **103(1), 238(a), 3(5) BNS**. Three accused persons are in custody.
19. Prosecution case as stated in the written application of informant Rugda Devi is that she has received the phone call from her married daughter wherein she stated that her parents-in-law and other in-laws would kill her and later on the informant came to know that her daughter was killed. Informant further alleged that the husband of her daughter Ravindra Kohar was also involved in the occurrence. Hence, the present FIR.
20. This case is registered under provisions of section 304B IPC. In the light of the decision of **Hon'ble Apex Court in *Parmila Jha vs. State of Bihar 2026(2) BLJ 579***, the Hon'ble Apex Court has dealt paragraph no. 6 of Karan Singh's case(supra) in which the following are the essential ingredients of Section 304-B:-
- (a) The death of a woman must have been caused by any burns or bodily injury, or must have occurred otherwise than under normal circumstances;
 - (b) The death must have been caused within seven years of her marriage;
 - (c) Soon before her death, she must have been subjected to cruelty or harassment by the husband or any relative of her husband;
 - (d) Cruelty or harassment must be for, or in connection with, any demand for dowry.
21. The prosecution has examined seven witnesses PW 1 Manju Devi sister of the deceased she has become hostile and not supported the prosecution case. She stated that deceased was died due to some deceased.
22. P.W. 2 Ramawatar Pandit he stated in the cross-examination he admitted that deceased Rinku Devi, died due to natural death.
23. P.W. 3 Rugda Devi is the informant in the case she became hostile. So he has not supported the prosecution case. So P.W.1, P.W.2, P.W.3 and P.W.4 all have not supported the prosecution case.

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24. P.W. 5 Ranjit Kumar brother of the deceased he has also become hostile so, the witness on fact has not supported the prosecution case. P.W6 and pw7 are the investigator of the case. Their evidence is not material because the witnesses on the fact has not supported the prosecution case.

25. Admittedly in the case of dowry death the prosecution is required to prove the following the ingredient of the offense. As per decision but it has not been proved that any of the accused having any manner was involved for committing dowry death.

26. Lastly, the complainant/informant which was the main witness of the case has not come forward to support the charges levelled against accused persons, therefore, the prosecution has miserably failed to prove the charge of Sections **103(1), 238(a), 3(5) BNS** beyond the shadow of reasonable doubt against the accused persons **1.Ghirauli Devi 2. Ravindra Kumhar 3. Mahanth Kumar @ Mahanth Prajapati 4. Gultani and 5. Sonu Kumhar.**

27. Therefore, the accused persons namely **1.Ghirauli Devi 2. Ravindra Kumhar 3. Mahanth Kumar @ Mahanth Prajapati 4. Gultani and 5. Sonu Kumhar are acquitted from the Charge of Sections 103(1), 238(a), 3(5) BNS.**

(Dictated to the Stenographer, transcript corrected, signed and then pronounced by me on this date the 10th Day of August, 2026)

Dictated and corrected by me

Dictated and corrected by me

(Kailash Joshi)
Additional Sessions Judge-II,
Gopalganj
10.08.2026

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