

IN THE COURT OF MS. SIMRAN BHAGAT JUDICIAL MAGISTRATE

SECOND CLASS, MADHUBANI

**TR-51/2026
GR-1604/2015**

In the matter of :-

State of Bihar.....Informant(Babita Kumari)

versus

1.Sudhir Mahto
2.Ramji Mahto
3.Bhola Mahto

4.Raja Ram Mahto.....Accused Persons

<u>Date</u>	<u>Order with initials of magistrate</u>	<u>Remarks</u>
<u>01-07-2026</u>	The present case arises out of Ladaniya P.S. Case No.-82/2015 instituted on the basis of the FardBayan alleging commission of offences punishable under Sections 341, 323 and 504/34 of the Indian Penal Code against accused persons namely 1.Sudhir Mahto 2.Ramji Mahto 3.Raja Ram Mahto 4.Vimal Mahto 5.Bhola Mahto . 1. As per Fardbayan the alleged occurrence took place on 09.06.2015 at about 7:30 P.M. The FIR was instituted on 10.06.2015. After investigation, charge-sheet was submitted against all five accused persons on 25.06.2015, whereafter cognizance of the alleged offences was taken on 09.10.2015 u/s 341,323 and 504/34 of Indian penal code against only four accused persons namely, Sudhir Mahto, Ramji Mahto , Bhola Mahto and Raja Ram Mahto. Upon appearance of the accused persons and after compliance of the provisions of law, accusation for the offences punishable under	

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	Sections 341, 323 and 504/34 IPC was explained to them on 20.04.2017, to which they pleaded not guilty and claimed trial. The record reflects that despite repeated opportunities, the prosecution failed to produce and examine its witnesses. Even the last opportunity was granted to the prosecution on 22.07.2023, but no effective prosecution evidence was brought on record. Consequently, prosecution evidence was closed on 26.09.2023. Thereafter, a petition under Section 311 Cr.P.C. was filed on behalf of the prosecution on 04.07.2024, seeking opportunity to examine the witnesses. Rejoinder thereto was filed on behalf of the accused on 22.04.2025. The said petition was heard and considered by this Court. Vide order dated 01.06.2026, the petition under Section 311 Cr.P.C. was rejected. While considering the prayer, this Court took note of the prolonged pendency of the case, the repeated opportunities already afforded to the prosecution and the absence of satisfactory explanation for failure to secure the attendance of the prosecution witnesses. It was also observed that the power under Section 311 Cr.P.C. is discretionary and is to be exercised only when the evidence sought to be brought on record is essential for a just decision of the case. The provision cannot be invoked merely to fill up lacunae in the prosecution case or to unnecessarily prolong the trial. Thereafter, the accused persons were examined under Section 313 Cr.P.C. They denied the allegations and claimed themselves to be innocent. No substantive defence evidence was brought on record and defence evidence was thereafter closed.	
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Heard the learned Assistant Public Prosecutor and learned defence counsel and perused the entire record. It is a settled principle of criminal jurisprudence that the burden lies upon the prosecution to establish the guilt of the accused beyond all reasonable doubt. The accused is entitled to the benefit of every reasonable doubt arising from the evidence on record.

In the present case, despite sufficient and repeated opportunities, the prosecution has failed to bring any legal and substantive evidence on record in support of the allegations. No prosecution witness has been examined before this Court to prove the alleged occurrence, the identity and participation of the accused persons, or the ingredients of the offences alleged against them.

The mere allegations contained in the FIR or other materials collected during investigation cannot, by themselves, be treated as substantive evidence for recording a finding of guilt. In the absence of examination of the material prosecution witnesses, the allegations remain unproved.

The prosecution was afforded adequate opportunities to lead evidence. Even thereafter, the prayer under Section 311 Cr.P.C. was considered and rejected vide order dated 01.06.2026 for the reasons recorded therein. Nothing has subsequently been brought on record which could establish the guilt of the accused persons.

Thus, there is no legally admissible and substantive evidence upon which the guilt of the accused can be recorded. The prosecution has failed to discharge the burden cast upon it.

In view of the aforesaid discussion, this Court finds that the prosecution has failed to prove the charges under Sections 341, 323

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and 504/34 IPC against the accused persons beyond reasonable doubt. Accordingly, the accused persons are entitled to the benefit of doubt.

ORDER

On careful perusal of the entire case record, it appears that no evidence whatsoever has been adduced by the prosecution in support of the allegations levelled against the accused. Despite sufficient opportunities, the prosecution failed to produce even a single witness before the Court. Thus, there is absolutely no legal evidence available on record to connect the accused with the alleged occurrence.

It is a settled principle of criminal jurisprudence that the prosecution must prove its case beyond all reasonable doubt by leading cogent and reliable evidence. In the instant case, the prosecution has utterly failed to discharge its burden. Nothing incriminating has come on record against the accused.

Accordingly, considering the facts and circumstances of the case and in absence of any evidence against the accused namely Sudhir Mahto , Ramji Mahto, Rajaram Mahto ,Bhola Mahto are hereby acquitted of the charges punishable uunder Sections 341, 323 and 504/34 IPC by extending to them the benefit of doubt.

Since the accused is on bail their sureties are discharged from the liabilities of their respective bail bonds.

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O/C is directed to recall all unserved processes, if any.

Let the record be consigned to the record room after due compliance.

Pronounced in open Court.

**MS. SIMRAN BHAGAT
JM-II CLASS
MADHUBANI**