

IN THE COURT OF ADDL. SESSIONS JUDGE-IV, MADHUBANI

Sess. Trial No. -164 of 2021 and 449 of 2022
Sakri PS case No-196/2019

Present: Smt. Rashmi Prasad
Addl. Sessions Judge-IV
Madhubani.

State of Bihar

.....Prosecution.

Versus

1. Md. Parwej, S/o Late Khabir Alam, R/o Village Devra Bejauli, P.S. Jale, Distt. Darbhanga.
2. Manoj Das, S/o Late Ramchandra Das, R/o village Anyaypur, P.S. Katra, Distt. Muzaffarpur.
3. Rakesh Kumar Sah, S/o Late Anup Sah, R/o village Anyaypur, P.S. Katra, Distt. Muzaffarpur.
4. Afsar Ali, S/o Wali Ahmad, R/o Village Devra Bejauli, P.S. Jale, Distt. Darbhanga.
5. Chandan Chaudhary @ Chandan Kumar Chaudhary, S/o Ram Kumar Chaudhary, R/o village Anyaypur, P.S. Katra, Distt. Muzaffarpur.

.....Accused Person

Memo of Appearance :-

Sri Jagdish Prasad Yadav, Ld. APP. for the State
Sri Mukesh Kumar Roy, Ld. Counsel for the Accused no. 1.
Sri Bindeshwar Thakur, Ld. Counsel for the Accused no. 2.
Sri Binod Yadav, Ld. Counsel for the Accused no. 3
Sri Naresh Kumar Bharti, Ld. Counsel for the Accused no. 4

Dated- 10.02.2026

J U D G E M E N T

1. The present Session Case Under Reg. No. 164/2021 and 449/2022 have arisen out of Sakri PS case No-196/2019 dated 10.12.2019 u/s 392, 302 of IPC.
2. The prosecution case in brief on the basis of fardbayan of the informant Surendra Jha is that his son Dhananjay Kumar Jha was going to deposit cash of rupees six lakh earned by selling petrol, in the Central Bank, Raiyam from his petrol pump on his motorcycle bearing Reg. No. BR32R7920. On the way near Raiyam Sugar Mill three unknown persons on motorcycle chased him and fired upon him and snatched his money bag and flee away towards Raiyam. With the help of informant's daughter-in-law Ranju Jha and co-villagers, injured were admitted at Crib's hospital where the doctor declared him dead.
3. After investigation I.O. filed Charge-sheet No-10/2020 dated 10.03.2020 and 172/2021 dated 22.10.2021 u/s 396, 120B of IPC and 25(1-b)a, 27 Arms Act. The court took cognizance in the case and charge was framed by this Court against the accused u/s 302, 396, 120B/34 of IPC and 25(1-b)a, 27 of Arms Act.

4. In this case initially separate trial proceeded against four accused persons vide S.T. No. 164/2021 and against one accused person vide S.T. No. 449/2022. Later on vide order dated 30.05.2023, S.T. No. 164/2021 and 449/2022 have been amalgamated. Thereafter, trial proceeded against five accused persons.

5. Thereafter the prosecution was given the opportunity to lead their evidence which was closed vide orders dated-06.01.2026.

6. **Prosecution Evidence:-** In this case prosecution has produced five witnesses namely PW1 Ranju Jha, PW2 Surendra Jha (Informant), PW3 Sanjiv Kumar Chaudhary, PW4 Govind Thakur and PW5 Umesh Kumar Paswan, S.I. (I.O.) of this case. They have not supported the prosecution case and have not identified the accused person. All the witnesses including the informant and I.O. have stated that they have not met with the accused persons, hence they could not identify any of accused.

7. **Defense Evidence:-**

The accused persons filed a petition u/s 232 Cr.P.C. stating therein that prosecution has examined five witnesses but none of the witnesses has identified the accused. There is no evidence against the accused for recording his statement u/s 313 of Cr.PC and has claimed innocence.

8. **Submissions-**

(I) **By the ld. APP-**

The ld. APP has submitted that the prosecution has produced five witnesses but they have not identified the accused present before the Court. In the absence of identification of accused the whole prosecution case becomes nullity.

(II) **By the ld. Defense counsel-**

The ld. Defense counsel has submitted that the prosecution has produced five witnesses but they have not identified the accused present before the Court. Any further opportunity to the prosecution would amount to miscarriage of justice. He submits that the present accused persons have faced the instant prosecution for almost six years and the trial itself has become a punishment for them. Hence, he pleads that the present case be disposed off. In any case he submits that no case is made out against the accused persons. Hence, given the above submissions he pleads that the accused persons be acquitted.

9. **Court Consideration**

I have heard the submissions of the respective ld. Counsels and perused the record of the case. The basic question that arises in the case is as to whether the prosecution has proved its case beyond reasonable doubt. There is no direct evidence in this case.

10. From the record it is apparent that the prosecution has produced five witness before the Court including the informant and I.O. but the witnesses have not identified the

accused present in the dock. PW2 informant of this case has stated in para 4 that he does not recognized any accused because he was not present at the place of occurrence. PW5 I.O. of this case has also stated in his statement in para 6 that he did not had an opportunity to meet with accused during investigation hence, he is unable to recognize any one of them. Further in para 7 he has stated that he has not recorded confessional statement of any accused. When he raided house of Chandan Choudhary, nothing was recovered from his house. He has not recovered any arms in this case. Neither he has prepared any search or seizure list in this case. Other witnesses PW3 has also stated that till date he has no information about the accused person of this case. Test Identification Parade was not held by the I.O. Looted cash were not recovered neither produced before the Court. In this case charge was framed on 02.03.2023 and 26.04.2023 thereafter case was fixed for prosecution evidence. Almost three years was given to the prosecution to produce witnesses and finally the evidence was closed on 06.01.2026. This is basically a case of no evidence. I agree with the Id. Defense counsel that facing a criminal trial for such a long time in itself amounts to harassment. Therefore, considering the submissions of the respective Id. Counsels, record of the case, that prosecution has failed to prove charge u/s 302, 396, 120B/34 of IPC and 25(1-b)a, 27 of Arms Act and in the facts and circumstances of the case I am hereby acquitting the accused persons namely 1. Md. Parwej, S/o Late Khabir Alam, R/o Village Devra Bejauli, P.S. Jale, Distt. Darbhanga, 2. Manoj Das, S/o Late Ramchandra Das, R/o village Anyaypur, P.S. Katra, Distt. Muzaffarpur, 3. Rakesh Kumar Sah, S/o Late Anup Sah, R/o village Anyaypur, P.S. Katra, Distt. Muzaffarpur, 4. Afsar Ali, S/o Wali Ahmad, R/o Village Devra Bejauli, P.S. Jale, Distt. Darbhanga, 5. Chandan Chaudhary @ Chandan Kumar Chaudhary, S/o Ram Kumar Chaudhary, R/o village Anyaypur, P.S. Katra, Distt. Muzaffarpur u/s 232 Cr.PC. Accused Chandan Chaudhary @ Chandan Kumar Chaudhary is on production warrant. His production warrant is recalled. Other accused persons are on bail, the bail bonds of the accused persons stand discharged.

Office is directed to consign the record of the case to the record room.

(Dictated & Corrected by me)

(Dictated)

(Rashmi Prasad)
Addl. Sessions Judge- IV
Madhubani
10.02.2026

(Rashmi Prasad)
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