

District : Vaishali
(Heading of Decision)

In

The Exclusive Special Court (SC/ST Act),
At : Vaishali (Hajipur)

Present :- LALAN KUMAR
Exclusive Special Judg (SC/ST Act)-cum-
District & Additional Sessions Judge
Civil Court Vaishali at Hajipur

Date of Judgment : 27th February, 2025

Case No:-

Gr. No. 20 of 2024

T.R. No:/.....

F.I.R. No:- Mahua P.S. Case No. 695/2021

U/ss. 147, 148, 149, 323, 307, 427, 504 of I.P.C.

& 27 Arms Act and Sec. 3 (1)(r)(s) of SC/ST Act.

In the matter of

State (Through: Shiv Kumar - Informant)Prosecution

Versus

1. Mithlesh Kumaraged about 31 years
2. Mukesh Kumaraged about 32 years
3. Vashishth Rayaged about 56 years
4. Kundan Kumar @ Don @ Kundan Kumar Yadav.....aged about 32 years
5. Paltan Raiaged about 60 years
6. Pankaj Kumar S/o Paltan Raiaged about 34 years
7. Angaj Ray @ Ankaj Kumaraged about 30 years
8. Raushan Kumaraged about 24 years
9. Ravi Kumaraged about 23 years
10. Ashok Kumar Singhaged about 39 years
11. Munna Kumaraged about 36 years
12. Nitu Kumar @ Nitesh Kumaraged about 24 years
13. Avinash Kumaraged about 28 years
14. Pankaj Kumar S/o Ramlal Raiaged about 29 years
15. Nikhil Kumar @ Shahil Singh Aryanaged about 27 years
16. Vikram Kumaraged about 34 years
17. Vinay Kumaraged about 32 years
18. Vicky Kumar @ Abhijit Rajaged about 23 years
19. Monu Kumaraged about 22 years

.....Accused Persons

Charge Framed :

U/ss. 147, 148, 323, 323/149, 427, 427/149,
504, 504/149 of I.P.C. & 27 Arms Act
& u/s 3(1)(r)(s) SC/ST (POA) Act (06.09.2024)

Counsel for the State/Prosecution: Sri Ram Nath Ram, Ld. Exc. Spl. P.P. (SC/ST Act)

Counsel for the Informant/Victim: Sri Vinod Kumar, Ld. Adv.

Counsel for the Defence : Sri Ram Tahal Singh, Ld. Adv.

J U D G M E N T

1. Above named all the nineteen accused persons faced the trial for the charges punishable u/ss. 147, 148, 323, 323/149, 427, 427/149, 504, 504/149 of I.P.C. & 27 Arms Act & u/s 3(1)(r)(s) SC/ST (POA) Act standing against them (06.09.2024).

**The Exclusive Special Court (SC/ST Act),
At : Vaishali (Hajipur)
Gr. No. 20 of 2024**

2. The Case of prosecution as per F.I.R. in short wherein the informant **Shiv Kumar** being a member of Scheduled Caste stated inter alia that accused Vashishth Rai, Mukesh Kumar, Mithlesh Kumar and Kundan Kumar opened fire and then all the F.I.R. named accused persons along with 50 unknown persons came armed with lathi, danda, farsa, bhala and rod and they uprooted the bricks of the passage and committed marpit by using abusive language of his caste name and continued to fire then they fled away from there and threatened to commit rape. The accused persons also put pressure for political voting in their favour otherwise they would be beaten. Written report was filed before the S.H.O. for legal action.

3. On the basis written report of informant Shiv Kumar as Mahua P.S. Case No. 695/2021 dt. 15.11.2021 U/ss. 147, 148, 149, 323, 307, 427, 504 of I.P.C. & 27 Arms Act and Sec. 3 (1)(r)(s) of SC/ST Act registered and investigation was started. On completion of investigation the I/O (Investigating Officer) submitted Charge sheet no. 112/2023 dated 21.03.2023 u/ss. 147, 148, 149, 323, 427, 504 of I.P.C. and 27 Arms Act & u/s 3(1)(r)(s) SC/ST (POA) Act against all the nineteen accused persons namely **1. Mithlesh Kumar, 2. Mukesh Kumar, 3. Vashishth Ray, 4. Kundan Kumar @ Don @ Kundan Kumar Yadav, 5. Paltan Rai, 6. Pankaj Kumar S/o Paltan Rai, 7. Angaj Ray @ Ankaj Kumar, 8. Raushan Kumar, 9. Ravi Kumar, 10. Ashok Kumar Singh, 11. Munna Kumar, 12. Nitu Kumar @ Nitesh Kumar, 13. Avinash Kumar, 14. Pankaj Kumar S/o Ramlal Rai, 15. Nikhil Kumar @ Shahil Singh Aryan, 16. Vikram Kumar, 17. Vinay Kumar, 18. Vicky Kumar @ Abhijit Raj and 19. Monu Kumar** except **Kishor Singh** who is said to be died, accordingly cognizance of offence was taken on 04.07.2024 u/ss. 147, 148, 323, 323/149, 427, 427/149, 504, 504/149 of I.P.C. & 27 Arms Act & 3(1)(r)(s) of SC/ST (POA) Act against all the nineteen accused named above.

4. On complete appearance of accused and after hearing the parties, charges were framed on 06.09.2024 u/ss. 147, 148, 323, 323/149, 427, 427/149, 504, 504/149 of I.P.C. & 27 Arms Act & u/s 3(1)(r)(s) SC/ST (POA) Act against all the nineteen accused persons namely 1. Mithlesh Kumar, 2. Mukesh Kumar, 3. Vashishth Ray, 4. Kundan Kumar @ Don @ Kundan Kumar Yadav, 5. Paltan Rai, 6. Pankaj Kumar S/o Paltan Rai, 7. Angaj Ray @ Ankaj Kumar, 8. Raushan Kumar, 9. Ravi Kumar, 10. Ashok Kumar Singh, 11. Munna Kumar, 12. Nitu Kumar @ Nitesh Kumar, 13. Avinash Kumar, 14. Pankaj Kumar S/o Ramlal Rai, 15. Nikhil Kumar @ Shahil Singh Aryan, 16. Vikram Kumar, 17. Vinay Kumar, 18. Vicky Kumar @ Abhijit Raj and 19. Monu Kumar. During pendency a joint compromise petition and permission seeking petition were filed on behalf of both the parties but all the offences are not compoundable hence the trial proceeded.

5. The prosecution adduced evidences as **P.W.1** Shiv Kumar (informant) S/o Shiv Charan Ram, **P.W.2** Pradeep Ram, **P.W.3** Shiv Kumar S/o Devendra Ram, **P.W.4** Manoj Ram.

6. On closure of prosecution evidence the accused persons were examined u/s 313 Cr.P.C. in which they pleaded to be innocent and desired not to adduce defence evidence which was closed.

**The Exclusive Special Court (SC/ST Act),
At : Vaishali (Hajipur)
Gr. No. 20 of 2024**

7. On closure of defence evidence the argument was heard as advanced on behalf of both the parties and the case was fixed for judgment.

8. Now it is to be decided whether the prosecution was able to prove the charges against the accused beyond all reasonable doubts.

F I N D I N G

9. The decision of this case stands on the prosecution evidence described in Para-5 of this judgment as well as on the plea of parties raised during argument while accused have not adduced any defence evidence though the burden of proof is on prosecution.

10. **P.W.1 Shiv Kumar** is the informant/victim of this case and he has partly supported the prosecution case in his examination in chief but in cross examination he stated that no one restrained his way and he did not remember who abused and who committed marpit with him. Further stated that all the accused persons came one by one and he has compromised with all the accused persons and desired not to proceed with this case.

P.W.2 Pradeep Ram, P.W.3 Shiv Kumar S/o Devendra Ram, P.W.4 Manoj Ram all have not supported the case of prosecution and they have been declared hostile.

It is apparent that the victim Shive Kumar (P.W.1) has supported the compromise with all the accused persons as such the benefit of compromise goes to the accused as acquittal for the compoundable offences u/s 323, 427, 504 of I.P.C.

So far as, the non-compoundable charges u/s 147, 148 I.P.C. and 27 Arms Act and 3(1)(r)(s) of SC/ST Act are concerned the P.W.1 Shiv Kumar has not stated regarding any use of fire arms and also he has stated that all the accused perons came one by one so there was no unlawful assembly created by the accused and also the informant/victim has not supported the charge of abusing and insulting the name of caste rather supported the compromise having good relations with all the accused persons. Hence, all the non-compoundable charges appear to be doubtful and benefit of doubt goes to the accused as acquittal from all non-compoundable charges. Prosecution failed to prove the charges beyond all reasonable doubts.

11. In the result all the nineteen accused persons named above are not found guilty for the punishable charges against them and hence all the nineteen accused named above are **acquitted** from all the charges of this case on the ground of compromise and benefit of doubt. All the nineteen accused persons are discharged from the liabilities of their bail bonds and they are set free.

Dictated, corrected, signed
and Pronounced in open
Court by me

Dictated

sd

sd

(LALAN KUMAR)
Exc. Spl. Judge (SC/ST Act)
-cum-Addl. Sessions Judge
At : Vaishali (Hajipur)
Date : 27th February, 2025

(LALAN KUMAR)
Exc. Spl. Judge (SC/ST Act)
-cum-Addl. Sessions Judge
At : Vaishali (Hajipur)
Date : 27th February, 2025