

JHDG030063072025



Annexure-I

In the Court of Additional Chief Judicial Magistrate , Deoghar . Present : Ananda Singh [A.C.J.M] [14.05.2026] District: Deoghar [G. R. No: 866/2025] (Trial No. 1816 /2026) (Jasidih P.S. Case No. 145/2025)
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Complainant/Informant	State of Jharkhand
Represented By	Sri Raj Kishor Prasad Kushwaha, Ld. A.P.P.
Accused	1. Sagar Das, aged about 32 years S/o Kamdev Das 2. Ashish Das, aged about 27 years S/o Kamdev Das 3. Abhishek Das @ Abhishek Kumar Das, aged about 21 years S/o Tablu Das 4. Umesh Das, aged about 25 years S/o Khagesh Das 5. Mahesh Kumar Das, aged about 28 years S/o Khagesh Das 6. Santosh Kumar Das, aged about 21 years S/o Khagesh Das 7. Khagesh Das, aged about 42 years S/o Late Dawrika Das 8. Tughu @ Tublu Das, aged about 41 years S/o Late Dawrika Das 9. Prakash Das, aged about 43 years S/o Late Dawrika Das 10. Binod Das, aged about 53 years S/o Late Govind Das 11. Kamdev Das, aged about 62 years S/o Late Govind Das 12. Vishal Das @ Rajkumar Das, aged about 21 years S/o Binod Das R/o Village Badiya, P.S. Jasidih, Sub Division & Dist- Deoghar, Jharkhand.
Represented By	Shri Sahdeo Pd. Verma, Ld Advocate

Annexure-II

Date of Offence	31.05.2025
Date of FIR	02.06.2025
Date of Charge sheet	13.09.2025
Date (s) of Framing Charges /(Substance of accusation) In case charge is framed or altered in more than one day then specifically it is to be mentioned on which date charge is framed against which accused.	14.05.2025
Date of Commencement of evidence	14.05.2025
Date of Judgment is reserved	-
Date of Judgment	14.05.2026
Date of Sentencing Order, if any	-
Date of uploading of Judgment	14.05.2026

Accused Details:

Rank of the Accused	Name of the Accused	Date of Arrest	Date(s) of Released on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
A1	Sagar Das	20.06.2025	20.06.2025	U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS	Acquitted	-	-
A2	Ashish Das	20.06.2025	20.06.2025	U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS	Acquitted	-	-
A3	Abhishek Das @ Abhishek Kumar Das	20.06.2025	20.06.2025	U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS	Acquitted	-	-
A4	Umesh Das	20.06.2025	20.06.2025	U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS	Acquitted	-	-
A5	Mahesh Kumar Das	20.06.2025	20.06.2025	U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS	Acquitted	-	-
A6	Santosh Kumar Das	20.06.2025	20.06.2025	U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS	Acquitted	-	-
A7	Khagesh Das	20.06.2025	20.06.2025	U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS	Acquitted	-	-
A8	Tughu @ Tublu Das	20.06.2025	20.06.2025	U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS	Acquitted	-	-
A9	Prakash Das	20.06.2025	20.06.2025	U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS	Acquitted	-	-
A10	Binod Das	20.06.2025	20.06.2025	U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS	Acquitted	-	-
A11	Kamdev Das	20.06.2025	20.06.2025	U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS	Acquitted	-	-
A12	Vishal Das @ Rajkumar Das	20.06.2025	20.06.2025	U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS	Acquitted	-	-

Annexure-III
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)
PW-1	Marwari Das	Eye witness

B. Defence Witness, if any:

Rank	Name	Nature of Evidence (Eye Witness, police witness, expert witness, medical witness, panch witness, other witness)
D.W.-1	None	-

C. Court witness, if any:

Rank	Name	Nature of Evidence (Eye Witness, police witness, expert witness, medical witness, panch witness, other witness)
CW1	NA	-

List of Prosecution/Defence/Court Exhibits

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	P1/PW1	Signature of PW 1 on written application.

B. Defence:

Sr. No.	Exhibit Number	Description
1	None	-

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	None	--

D. Material Objects

Sr. No.	Exhibit Number	Description
1	N/A	-

J U D G M E N T

1. The above named accused persons are facing trial for the offence U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS.
2. The prosecution case, in brief, is that the informant Marwadi Das, aged about 55 years, son of Late Bahadur Das, resident of Village Badiya under Jasidih Police Station, stated that on 31.01.2025 at about 6:00 P.M. he had gone to the shop of Khagesh Das situated in his village for purchasing household articles. During the course of purchase, Umesh Das, son of the shopkeeper Khagesh Das, allegedly demanded an amount higher than the actual price of the goods. When the informant protested against the excess demand, Umesh Das started abusing and assaulting him. Upon hearing alarm and commotion, the son of the informant namely Sarwan Kumar Das came there and tried to intervene and rescue his father. It is further alleged that in the meantime accused persons namely Sagar Das, Ashish Das, both sons of Kameshwar Das, Abhishek Das @ Tubloo Das, Umesh Das, Mahesh Das, Santosh Das, all sons of Khagesh Das, Khagesh Das, Prakash Das, Tubloo Das, all sons of Late Harika Das, Binod Das, Kameshwar Das, both sons of Govind Das, and Vishal Das @ Rajkumar, son of Binod Das, all residents of Village Badiya under Jasidih Police Station, formed an unlawful assembly and came armed with iron rods, axe, lathi, wooden stick and stones and jointly assaulted the informant and his son with an intention to kill them. The prosecution further alleges that accused Abhishek Das and Mahesh Das assaulted Sarwan Kumar Das on his head by means of axe and iron rod with intention to commit his murder, due to which he sustained grievous injuries and fell on the ground. The prosecution further case is that during the

occurrence one of the accused persons snatched away a gold chain from the neck of Sarwan Kumar Das along with cash amount of Rs. 35,000/-. The value of the gold chain was stated to be approximately Rs. 45,000/-. The informant further alleged that he was also assaulted by lathi, stick and stones and sustained injuries. Thereafter, when the wife of the informant namely Pancha Devi and other family members came to rescue them, the accused persons also abused and assaulted her. It is further alleged that the accused persons threatened the informant and his family members by saying that even if his son had obtained a job, they would implicate him in false criminal cases and ruin his service career. On the basis of the written report submitted by the informant, the present case was instituted and investigation was taken up by the police. Hence, this case .

3. On the basis statement of the informant, an FIR bearing Jasidih P.S. Case No.- 145/2025 dated 02.06.2025 was registered U/s 126(2), 115(2), 109, 303(2), 351(2), 352, 3(5) of BNS. After investigation, Charge Sheet No. 176/2025 dated 13.09.2025 was submitted by the Investigating Officer for the offence U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS against the above named accused persons. After perusal of the charge sheet and the case diary cognizance was taken against the above named accused persons U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS vide order dated 26.09.2025 who are facing trial in this case.
4. That the substance of accusation for the offence U/s 126(2), 115(2), 351(2), 352, 3(5) of BNS on dated 14.05.2026 and were read over and explained to the above named accused persons in Simple Hindi to which they pleaded not

guilty and claimed to be tried.

5. The statement of the accused persons u/s 351 of BNSS. has been recorded on dated 14.05.2026 in which they denied to have committed any offence and claimed to be innocent.
6. Heard arguments from both sides.
7. Now, the point for consideration before this Court is whether the prosecution has been able to establish its charge levelled against the above named accused persons beyond the shadow of all reasonable and probable doubts or not?

FINDINGS

8. In order to prove its case, prosecution has examined one witness in this case i.e. P.W.-1 Marwari Das.
9. P.W.1 Marwari Das, son of Late Bahadur Das, stated that he is the informant of the present case. He deposed that the occurrence took place on 31.01.2025 at about 6:00 P.M. He further stated that at the relevant time he had gone to the shop of Khagesh Das for purchasing household articles and while returning from the shop, accused Umesh Das abused him. Upon hearing alarm and commotion, accused persons namely Sagar Das, Ashish Das, Abhishek Das, Mahesh Das, Umesh Das, Santosh Das, Khagesh Das, Prakash Das, Dablu Das, Kameshwar Das and Vishal Das arrived there and pushed and assaulted him. The witness further stated that after the occurrence he went to the police station where the written report was scribed by the police writer on his statement and after understanding its contents he put his signature thereon, on the basis of which the present case was instituted. The written report was shown to the witness, which he identified

and his signature thereon was marked as Exhibit-1/ P.W.-1.

During cross-examination on behalf of the defence, the witness stated that the accused persons are his co-villagers and agnates. He further deposed that he has voluntarily entered into compromise with the accused persons and has already filed a compromise petition before the Court bearing his signature. The witness further stated that on the basis of the compromise he no longer wishes to proceed with the case and does not want to adduce any evidence against the accused persons.

10. Now the main point for consideration before this Court is as to whether the prosecution has been able to establish the charges levelled against the accused persons under Sections 126(2), 115(2), 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita beyond all reasonable and probable doubts or not.

It is a settled principle of criminal jurisprudence that the burden always lies upon the prosecution to prove its case by leading cogent, reliable and trustworthy evidence. The accused persons are presumed to be innocent unless their guilt is proved beyond reasonable doubt and the prosecution is required to stand on its own evidence.

In the present case, the prosecution has examined only one witness namely P.W.-1 Marwari Das, who is the informant of the case. The witness stated in his examination-in-chief that the occurrence took place on 31.01.2025 at about 6:00 P.M. and that after an altercation near the shop of accused Khagesh Das, the accused persons assaulted him. He further stated that after the occurrence he went to the police station where the written

report was prepared and after understanding its contents he put his signature thereon, which has been marked as Exhibit-1. However, during his cross-examination, the witness categorically admitted that the accused persons are his co-villagers and agnates and that he has voluntarily entered into compromise with them. He further stated that a compromise petition has already been filed before the Court and on the basis of the said compromise he no longer wishes to proceed with the present case and does not want to adduce any evidence against the accused persons.

So far as the charge under Section 126(2) of the BNS relating to wrongful restraint/unlawful obstruction is concerned, there is no clear, specific and trustworthy evidence on record to establish that the accused persons wrongfully restrained the informant in furtherance of any common intention or common object. The sole witness examined by the prosecution has not narrated any specific overt act attributable individually to the accused persons in a reliable manner and during cross-examination he has substantially diluted the prosecution case by entering into compromise and expressing his unwillingness to proceed against the accused persons. In absence of corroborative evidence, the charge under Section 126(2) BNS remains unproved.

With regard to the charge under Section 115(2) of the BNS relating to voluntarily causing grievous hurt/dangerous assault, the prosecution was required to prove beyond reasonable doubt that grievous injuries were caused by the accused persons with the requisite intention or knowledge. Though the prosecution case alleges that the son of the informant namely Sarwan Kumar Das sustained grievous injuries by axe and iron rod blows,

the alleged injured witness himself has not been examined before the Court. Furthermore, neither the doctor who allegedly examined the injured persons nor the injury report has been brought and proved on record in accordance with law. In absence of medical evidence and examination of the injured witness, the prosecution has failed to establish the nature of injuries, the weapon used and the involvement of the accused persons in causing such injuries. Hence, the essential ingredients of Section 115(2) BNS have not been proved.

So far as the charge under Section 351(2) of the BNS relating to criminal intimidation is concerned, the prosecution has alleged that the accused persons threatened the informant and his family members with dire consequences. However, except the bald statement made in the written report and examination-in-chief, no independent or convincing evidence has been adduced to prove that any criminal intimidation was actually extended by the accused persons so as to cause alarm to the informant. The sole witness has not supported the prosecution case fully during cross-examination and has chosen not to proceed against the accused persons in view of compromise. Therefore, this Court finds that the prosecution has failed to establish the offence under Section 351(2) BNS beyond reasonable doubt.

Regarding the charge under Section 352 BNS relating to intentional insult/provocation and assault, the prosecution has relied solely upon the testimony of P.W.-1. However, no independent witness from the locality has been examined though the alleged occurrence is said to have taken place in a village market area at about 6:00 P.M. The evidence of the sole witness is

not of sterling quality and remains uncorroborated. Moreover, the witness himself has compromised the matter with the accused persons and has expressed unwillingness to continue the prosecution. Therefore, the evidence available on record is wholly insufficient to sustain conviction under Section 352 BNS.

The prosecution has also alleged applicability of Section 3(5) of the BNS relating to acts done by several persons in furtherance of common intention/common object. However, in absence of reliable evidence proving participation and overt acts of each accused person and in absence of trustworthy evidence regarding formation of unlawful assembly or sharing of common intention, the prosecution has failed to establish the foundational facts necessary for invoking Section 3(5) BNS.

This Court further finds that except the testimony of P.W.-1 no other material witness has been examined by the prosecution. The Investigating Officer has not been examined and therefore the defence has been deprived of an opportunity to test the fairness of investigation and contradictions, if any, in the statements of witnesses recorded during investigation. Likewise, the non-examination of the doctor and the injured witness creates serious doubt regarding the truthfulness of the prosecution story. Mere institution of the case and submission of charge-sheet are not sufficient to convict the accused persons in absence of reliable and legally admissible evidence.

It further appears that the parties are agnates and co-villagers and have voluntarily settled their dispute amicably. The informant himself has admitted the compromise before the Court and has clearly stated that he does not wish to proceed with the case. Though some of the alleged offences are

non-compoundable in nature, still the compromise arrived at between the parties can be taken into consideration while appreciating the evidence and determining whether the prosecution has been able to prove its case beyond reasonable doubt. In the present case, because of the compromise, the sole material witness has not supported the prosecution fully and there remains no substantive evidence against the accused persons. The compromise therefore assumes importance while assessing the credibility and sufficiency of the prosecution evidence.

It is a settled proposition of law that suspicion, however strong, can never take the place of proof. Criminal conviction cannot be based upon conjectures and surmises. Where two views are possible from the evidence available on record, the view favourable to the accused persons must be adopted. In the present case, the evidence adduced by the prosecution suffers from material inconsistencies and lacks independent corroboration. The prosecution has thus failed to establish the charges levelled against the accused persons beyond all reasonable and probable doubts. Hence,

11. Accordingly, considering the entire facts and circumstances of the case, the evidence available on record and the effect of compromise entered into between the parties, this Court is of the considered opinion that the prosecution has miserably failed to prove the charges under Sections 126(2), 115(2), 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita against the accused persons beyond reasonable doubt. Hence, all the accused persons namely Sagar Das, Ashish Das, Abhishek Das @ Abhishek Kumar Das, Umesh Das, Mahesh Kumar Das, Santosh Kumar Das, Khagesh Das, Tughu @ Tublu Das, Prakash Das, Binod Das, Kamdev Das and Vishal Das @

Rajkumar Das are hereby acquitted from the charges levelled against them .

The accused persons are on bail. The above named accused persons and the

bailors are discharged from the liabilities of their respective bail bonds.

Judgment pronounced in open court.

Sd/-

(Ananda Singh)
(Additional Chief Judicial Magistrate)
Deoghar.
(Dictated & corrected by me)
(14.05.2026)
JO-Code- JH00600

Sd/-

(Ananda Singh)
(Additional Chief Judicial Magistrate)
Deoghar.
(Dictated & corrected by me)
(14.05.2026)
JO-Code- JH00600