

**IN THE COURT NAINA JINDAL,
JUDICIAL MAGISTRATE FIRST CLASS,
SARAN AT CHAPRA**

**Trial No.- 830/25
P.S. CASE No.- Dariyapur, 48/16
Reg. No.- 1586/16**

State of BiharProsecution

Versus

Vishnath Mahto and Ors.....Accused Person

	Order with initials of the Magistrate	Remarks
05.08.2026	The record has been put up before this court The question which falls for consideration is that whether accused persons be acquitted? <u>Factual matrix of the case</u> From the perusal of the record, it transpires that the present case emerges from the written statement report of the informant Kaushlya Devi Dt. 17.02.2016, based on which FIR bearing no. 48/16, Dt 22.02.2016 was lodged. Accordingly, the charge sheet bearing No. 59/16, Dt 04.03.2016 was submitted by the IO of this case against named accused persons namely 1.Vishwanath Mahto 2. Putul Devi 3. Gyanti Devi 4. Pujan Mahto 5. Aarti Devi 6. Bageshwar Mahto 7. Sharda Devi 8. Sushila Devi and 9. Aasha Devi. Cognizance was taken on 12.07.2016 u/s 323, 324, 341, 379/34 of IPC against the accused persons, namely 1.Vishwanath Mahto 2. Putul Devi 3. Gyanti Devi 4. Pujan Mahto 5. Aarti Devi 6. Bageshwar Mahto 7. Sharda Devi 8. Sushila Devi and 9. Aasha Devi. The substance of accusation was explained on 06.09.2017 for an offence punishable u/s 323, 324, 341, 379/34 of IPC against accused persons, namely 1.Vishwanath Mahto 2. Putul Devi 3.	

	Gyanti Devi 4. Pujan Mahto 5. Aarti Devi 6. Bageshwar Mahto 7. Sharda Devi 8. Sushila Devi and 9. Aasha Devi. Charge was read over and explained to them in Hindi, to which they pleaded not guilty and claimed to be tried. Further two accused persons, namely, vishwanath Mahto and Bageshwar Mahto died and their name was expunged on 23.12.2025. Summons, bailable warrant, non-bailable warrant was issued against the witnesses. Lastly, dasti Summons was issued and record was seen by the Ld. S.D.P.O. But despite all these processes, no witness ever turned up for evidence. Despite several opportunities being given, the prosecution failed to adduce any evidence; hence, the opportunity of the prosecution to adduce evidence was closed on 05.08.2026 and as there is no other evidence produced by the prosecution, but the case record has been put up for the statement under section 313. <i>In Raj Kumar @ Sonu v. State Of Haryana, SCC online SC 1146 Hon'ble Apex Court held that " If no evidence is led by the prosecution and there is nothing against the accused, the question of putting any question under sec 313 CrPC does not arise. The requirement is to explain only the circumstances appearing in evidence against the accused.</i> <i>In Nar Singh v. State of Haryana, (2015) 1 SCC 496, It was held that sec 313 CrPC is mandatory only when there is evidence to be put to the accused. If there is no evidence against the accused, omission of examination under S. 313 cause no prejudice.</i> <u>ORDER</u> Thus, based on the above discussion and perusal of the facts and circumstances and material available on the record, this court finds, and it is held, that the prosecution has neither adduced any	
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	witnesses nor produced any documentary evidence in support of its case. It is well settled law that prosecution has to prove a case beyond reasonable doubt. It is the duty of the prosecution to produce all the material evidence before the court of law. In <i>Dahyabhai Chhaganbhai Thakkar vs. State of Gujarat, AIR 1964 SC 1563</i>, the Hon'ble Supreme Court has ruled <i>that it is the fundamental principle of criminal jurisprudence that an accused is presumed to be innocent and, therefore, the burden lies on the prosecution to prove the guilt of the accused beyond reasonable doubt. This general burden never shifts and it always rests on the prosecution.</i> Here in this case, Prosecution has failed to prove any charges u/s 323, 324, 341, 379/34 of IPC against accused persons, namely 1.Putul Devi 2. Gyanti Devi 3. Pujan Mahto 4. Aarti Devi 5. Sharda Devi 6. Sushila Devi and 7. Aasha Devi. Hence, the accused persons, namely, 1.Putul Devi 2. Gyanti Devi 3. Pujan Mahto 4. Aarti Devi 5. Sharda Devi 6. Sushila Devi and 7. Aasha Devi are hereby <i>acquitted</i> of the offenses punishable u/s 323, 324, 341, 379/34 of IPC. ➤ Since the accused persons are on bail, their bailors/sureties are also discharged from the liabilities of his respective bail bonds. ➤ The office clerk is directed to deposit the case record in the record room according to the provisions and upload the order on C.I.S. Naina Jindal Judicial Magistrate First Class Saran at Chapra	
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