

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS

DISTRICT – GOPALGANJ, BIHAR

CASE NO. → Cr. Complaint No. – 340/2018

CIS Reg. No. → 340/2018

TRIAL NO. – 1145/2021

IN THE MATTER OF

Rajkumar Bhagat, aged about 40 years, S/O Bhoj Bhagat.

Resident of Village- Adhmauli , P.S.- Gopalpur, District- Gopalganj.

..... Complainant.

Vs.

1. Ghooran Bhagat, aged about 45 years, S/O Late Dukhi Bhagat,
2. Dileep Kushwaha, aged about 20 years, S/O Ghooran Bhagat,
3. Neelam Kumari, aged about 22 years, D/O Ghooran Bhagat,
4. Nandini Kumari, aged about 24 years, D/O Ghooran Bhagat,
5. Gulaichi Devi, aged about 60 years, W/O Late Moorat Bhagat,
6. Asha Kumari, aged about 25 years, D/O Late Moorat Manjhi,
7. Sanjay Kushwaha, aged about 40 years, S/O Late Rajendra Bhagat,
8. Virendra Kushwaha, aged about 35 years, S/O Late Rajendra Bhagat,
9. Mst. Shanti Devi, aged about 60 years, W/O Late Rajendra Bhagat,
10. Rajesh Bhagat, aged about 30 years, S/O Late Moorat Bhagat,
11. Jai Singh, aged about 40 years, S/O Late Mangal Bhagat,
12. Mangal Bhagat, aged about 71 years, S/O Late Muneshwar Bhagat
(proceedings dropped due to death vide order dated 01.09.2021)
All residents of Village- Adhmauli Sangwadih , P.S.- Gopalpur, District-
Gopalganj.

13. Arvind Kushwaha, aged about 35 years, S/O. Late Mangal Bhagat,

14. Govind Kushwaha, aged about 22 years, S/O Late Mangal Bhagat

Both Sukdeo Patti, residents of village- , P.S.- Gopalpur, District- Gopalganj.

..... Accused Persons.

Police Station → Gopalpur

Complaint Case No. → 340/2018.

U/S → 341, 323, 382, 504, 506/34 of the Indian Penal Code & S. 27 of the Arms Act.

SUMMONED U/S → 341, 323 and 149 of the Indian Penal Code.

SUBSTANCE OF ACCUSATIONS EXPLAINED → u/s 341, 323, and 149 IPC.

DISTRICT – Gopalganj (BIHAR).

**Ld. Counsel for Accused persons → Sri. Harishchandra Mishra & Sri Alok Mishra,
Advocates.**

Ld. Counsel for the Complainant → Sri. Bhulan Prasad, Advocate.

DATE OF JUDGMENT → 16th day of November, 2021.

PRESENT – SHIV SHRUTIKA (शिव श्रुतिका)

Judicial Magistrate First Class, Gopalganj.

JUDGEMENT

1. The above named accused persons stand charged for committing offence punishable under sections 341, 323 and 149 of the Indian Penal Code (hereinafter referred to as I.P.C.)
2. The complainant story in brief as per the complaint petition by the complainant Rajkumar Bhagat is that on Sunday dated 25.02.2018, at about 08:00 a.m., armed with *daab* (दाब), sickle, *farsa*, and *lathi danda* and country made gun, came on the land of complainant in as described in the complaint petition and started to cut down the sugarcane crop and load it on a tractor with the intention of theft. When complainant's father got information about it, he went to the place and stopped the accused persons. On this, accused 1- Ghooran, 2- Dileep, 3- Sanjay, 4- Jai Singh started to abuse and beat the complainant and his father with fists and slaps. Thereafter, the accused persons threatened them of life and made them to sit in the field and they took away all the sugarcane crop of ₹ 40,000/-. The occurrence was witnessed by witnesses. Thereafter he filed the complaint petition in the Court.
3. The instant complaint petition was filed against total fourteen accused persons namely 1- Ghooran Bhagat, 2- Dileep Kushwaha, 3- Neelam Kumari, 4- Nandini Kumari, 5- Gulaichi Devi, 6- Asha Kumari, 7- Sanjay Kushwaha, 8- Virendra Kushwaha, 9- Mst.

Shanti Devi, 10- Rajesh Bhagat, 11- Jai Singh, 12- Mangal Bhagat, 13-Arvind Kushwaha, and 14-Govind Kushwaha. Upon inquiry, all named the accused persons were summoned u/s 341, 323, and 149 of the I.P.C. vide order dated 12.07.2018. The name of accused Mangal Bhagat was expunged due to his death vide order dated 01.08.20021 and since then the record is running against the remaining thirteen accused persons. After appearance of the accused persons, the substance of accusations was explained under the aforesaid sections on dated 20.02.2019. On dated 16.11.2021, the statement of accused persons was recorded in which they have pleaded their innocence.

4. The defence case in brief is denial of the entire occurrence and the innocence of the accused person.

POINT FOR DETERMINATION

5. The point for determination in this case is that whether the prosecution has been able to bring home the guilt of the accused persons beyond the shadow of all reasonable doubts?

FINDINGS

6. EVIDENCE ADDUCED IN THIS CASE:

i. **Evidence of the complainant:**

(a) **Oral Evidence**

None

(b) **Documentary Evidence**

None

ii. **Evidence of the Defence/ Accused person:**

No evidence, either oral or documentary has been produced by the accused persons for defence.

APPRECIATION OF THE EVIDENCE

7. During trial, no evidence was adduced by the complainant to prove his case. From perusal of the record, it transpires that after the summoning of the accused persons, either the complainant remained absent or gave time petitions. In spite of several directions, the complainant did adduce any evidence. On dated 13.02.2020, the

complainant was given last chance and finally on dated 09.03.2021 the complainant evidence was closed.

8. From the aforesaid discussion, it appears that the complainant has totally failed to bring home the guilt of the accused persons at par with the requirement of law for any of the accusations against them.
9. Hence, it is therefore,

ORDERED

That all the accused persons namely 1- Ghoran Bhagat, 2- Dileep Kushwaha, 3- Neelam Kumari, 4- Nandini Kumari, 5-Gulaichi Devi, 6- Asha Kumari, 7- Sanjay Kushwaha, 8- Virendra Kushwaha, 9- Mst. Shanti Devi, 10- Rajesh Bhagat, 11- Jai Singh, 12- Arvind Kushwaha, and 13- Govind Kushwaha are found and held not guilty and are accordingly acquitted from the charges of offences under sections 341, 323, and 149 of IPC. They are also discharged from their liabilities under their respective bail bonds, and their sureties are also discharged.

The judgement is pronounced in the open court on this 16th day of November, 2021 under the seal of this Court.
The case is hence disposed of without contest.

Shiv Shrutika
16/11/21

Shiv Shrutika

(शिव श्रुतिका)

Judicial Magistrate First Class

Gopalganj.

Typed & Corrected by me.

Shiv Shrutika
16/11/2021

Shiv Shrutika

Judicial Magistrate First Class

Gopalganj.