

Dist:Gaya
IN THE COURT OF JUDICIAL MAGISTRATE, FIRST CLASS, SHERGHATI
Present: Pragya Aishwarya
Judicial Magistrate I Class,
Sherghati

Judgment Dated This 22nd Day of August, 2025

GR Case No.530/2007

Gurua PS Case No 61 of 2007

Trial No- 102/2025

State vs Tunnu Singh and others

Prosecution State through Informant Ramashray
Singh

Represented by Shri.DevPujan Kumar,LdSDPO

Accused A1-Tunnu Singh @ Barun
Singh.Age-55years
S/O- Surajdev Singh

A2-Jamal Khan @
Jamal
Kurshi .Age-65
years
S/O Late-Hanif Mian,

A3-Binay Singh @ Bisiya .Age-
50 years
S/O Late- Hira Singh,

All R/O Verma, P. S Gurua,
Dist-Gaya Ji.

Represented by Shri.Shivnandan
Das,Ld.Advocate

Date of Offence 15. 07.2007

Date of FIR 19.07.2007

Date of Chargesheet 31.01.2009

Date of substance charged
framed 20.04.2024



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Date of commencement of evidence 08.01.2025
Date on which judgment is reserved 18.08.2025
Date of the Judgment 22.08.2025
Date of the Sentencing Order, if any NA

Accused Detail

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release/bail bond	Offence charged with	Whether Acquitted or Convicted	Sentence Imposed	period of Detention Undergone during Trial
A1	Tunnu Singh/a Barun Singh/Vinay Singh/a Bishiya	NA	NA	Sections 461 and 379 IPC	Acquitted	NA	NA
A2	Jamal Khan/a Jamal Kuraisi	NA	NA	Sections 461 and 379 IPC	Acquitted	NA	NA
A3	Vinay Singh/a Bishiya	NA	NA	Sections 461 and 379 IPC	Acquitted	NA	NA



Appendix Of Evidence

LIST OF PROSECUTION, DEFENCE, COURT WITNESSES

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Rank	Name	Nature of Evidence
P.W-01	Ramashray Singh	Informant

B. DEFENCE WITNESSES, IF ANY: None
C. COURT WITNESSES, IF ANY: None

LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBIT

- A. PROSECUTION
Exhibit P1/PW1- FardBayan- Without Objection
B. DEFENCE None
C. COURT EXHIBIT None
D. MATERIAL OBJECTS: None

J U D G E M E N T

The present case has arisen out of fardbayan by the informant Ramashray Singh who is residence R/O- Verma P.S- Gurua, Dist-Gaya Ji. He has stated in his fardbayan that on 15.07.2007, which at around 8:00 P.M he tied his cattle in sides of his house and went to sleep. That around 1:00 P.M, when he went to check upon his cattle he found door of the cattle room open and two buffalo where missing . That upon enquiry in the village he found both the accused persons A1 and A2 missing from their house. He has alleged that both these persons have history of stealing cattle and selling them off, which made the informant believe with his cattles have stolen for these persons . On the basis of the same Gurua P.S Case No- 61/2007 was registered accused both these persons A1 and A2 for offence under section 379 IPC.

2. After completion of investigation police submitted chargesheet against accused A1, A2 and one none FIR named accused A3. On 31.03.2009 cognisance of the offence punishable under sections- 461 and



379 IPC taken by the then S.D.J.M. After supply of police papers upon the accused, on 20.04.2024 charges under sections 461 and 379 were framed read over and explained to accused persons in Hindi to which to which they pleaded not guilty and claimed to be tried.

3. Prosecution Evidence

The prosecution has examined following witness:

PW1- Ramashrya Singh (Informant)

4. After closure of evidence from side of prosecution, statements of accused under Section 313 CrPC were recorded in which they denied occurrence and claimed to be innocent.

5. Defence Evidence

Defence did not adduce any evidence.

6. Arguments were heard.

The Ld. Counsel for defence argued that none of the offences as alleged have been made out against the accused persons so they be acquitted of the charges levelled against them. Ld. Lawyer further argued that none of the witnesses except the informant has been examined by the prosecution. Ld. lawyer submitted that the doctor in this case has not been examined. Ld. lawyer further argued that the investigating officer has not been examined. Ld. lawyer emphasised that none of the witnesses have been examined in order to support the case of the prosecution. With these submission Ld. Counsel for defence prayed that accused persons be acquitted of the accusation brought against them.

Ld. APP prayed that the accused persons be convicted of all the charges brought against him.

The point for determination before the Court is:



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(i)Whether the prosecution has been able to prove the charges brought against the accused person beyond all reasonable doubts?

FINDINGS

7. From perusal of record, it is found that three accused persons are facing trial for offences punishable under sections 461 and 379 IPC.

8. In order to substantiate upon the allegations brought against the accused persons facing trial, version of the prosecution witnesses examined is analysed as follows:-

Ramashrya Singh been examined as PW1. He is the informant of this case. He has stated that the incident took place in year 2007 at early morning hours at his house. He has stated that when he went to his cattle room he found door of the room open and two buffalo were found missing which were not found after due search . He stated that his statement has been taken by the police. The witness his identified the three accused persons. He has identified his signature on the fard bayan which is marked as Exhibit P1/ PW1.

In the cross-examination the witness his deposed that no such incident took place and the case was lodged on mere suspension . The witness has further deposed that he has voluntarily entered into compromise with all the accused persons and does not want to further contest the case.

9. It is found that prosecution has examined only one witnesses who happen to be informant of this case. The witness has not neither stated date of the incident nor could he state manner of occurrence. Nothing material could be elicited from testimony of sole witness examined i.e the information order to fasten the loop of guilt around any of the accused persons facing trial.The witness has not supported any of the allegations



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against any of the accused persons as was alleged. Also, no other witness has been examined by the prosecution in order to substantiate further the testimony of the informant neither doctor nor Investigating Officer has been examined.

10. On the basis of analysis held above,the prosecution case on all major particulars, as was alleged could not be proved by any satisfactory evidence. None of the allegations brought against any of accused persons, under such circumstances, prevailing on record can be said to have been proved. Hence, the prosecution case as alleged against the accused person could not be established beyond reasonable doubts.

The accused persons facing trial, therefore,are found and held not guilty.

ORDER

Accordingly, the accused persons A1, A2 and A3 are acquitted of the charges levelled against them.

Bailors are immune from liability of bail bonds.

Any process/s, if pending, be recalled.

Record be consigned to there record room as per rules.

Pronounced in open Court on 22nd Day of August, 2025 by me.
DICTATED AND CORRECTED BY ME.


(Pragya Aishwarya)
22/08/25
JM First Class




(Pragya Aishwarya)
22/08/25
JM First Class

