

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III, MOTIHARI, EAST CHAMPARAN PRESENT :- RICHA BHARGAVA, ADDL.SSESSIONS JUDGE-III, MOTIHARI, EAST CHAMPARAN. Date of Judgment-01.02.2025 <u>S. Tr. No. 1147/2022</u> (Arising out of commitment order dated 22.09.2022 passed by Ms. Zeenat Manzoor, Ld. J.M.F.C., Motihari, East Champaran, in Madhuban P.S. case no. 65/2020 corresponding to GR. No. 8191/2020 u/s 147, 323, 341, 324, 325, 504, 504, 307, 337 r/ w 34 of IPC)	
INFORMANT	STATE OF BIHAR (THROUGH THE INFORMANT BIRENDRA RAI)
REPRE- SENTED BY	SRI LALITA PRASAD LALIT (A.P.P) .
ACCUSED	1. RAMCHANDRA RAI S/O LATE RAMSWARUP RAI, AGED ABOUT 63 YEARS 2. RAMBALAK RAI, S/O LATE RAMSWARUP RAI, AGED ABOUT 70 YEARS 3. ARVIND RAI, S/O RAM SOGARATH RAI, AGED ABOUT 29 YEARS 4. RAVINDRA RAI, S/O RAMCHANDRA RAI, AGED ABOUT 50 YEARS 5. HEERALAL RAI S/O RAMCHANDRA RAI, AGED ABOUT 33 YEARS 6. UPENDRA RAI, S/O RAMCHANDRA RAI, AGED ABOUT 35 YEARS 7. RAMESH RAI, S/O RAMCHANDRA RAI, AGED ABOUT 30 YEARS 8. NITISH RAI, S/O RAMCHANDRA RAI, AGED ABOUT 26 YEARS 9. PAWAN RAI, S/O RAMBALAK RAI, AGED ABOUT 39 YEARS 10. SAMAN RAI, S/O RAMBALAK RAI, AGED ABOUT 31 YEARS
REPRESENTED BY	SRI SANTOSH KUMAR SINGH LD. COUNSEL FOR THE ACCUSED

FORM-B

Date of Offence	10.03.2020
Date of FIR	11.03.2020
Date of Charge-sheet	15.09.2020
Date of Framing of Charges	12.01.2023
Date of commencement of evidence	11.08.2023
Date on which Judgment is reserved	10.01.2025
Date of the Judgment	30.01.2025
Date of the Sentencing Order, if any	

Accused Details

Rank of the Accused	1, 2, 3, 4, 5, 6, 7, 8, 9 & 10
Name of Accused	1. Ramchandra Rai 2. Rambalak Rai 3. Arvind Rai 4. Ravindra Rai 5. Heeralal Rai

	6. Upendra Rai 7. Ramesh Rai 8. Nitish Rai 9. Pawan Rai and 10. Saman Rai
Date of Arrest or surrender	Accused persons are surrendered on 01.11.2021
Date of Release on Bail	Accused persons are released on 01.11.2021
Offences Charged with	u/s 147, 323, 341, 324, 325, 504, 506, 307, 337 r/w 34 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.-	

JUDGMENT

1. The above named accused persons stand charge for offence punishable u/s 147, 323, 341, 324, 325, 504, 506, 307, 337 read with 34 of IPC.
2. The prosecution's case in brief is that on 10.03.2020 at 9:30 PM the informant Birendra Rai was at his door. All of a sudden Ram Sogarath Rai, Ram Chandra Rai, Ram Balak Rai, Arvind Rai, Avanish Rai, Ravindra Rai, Hiralal Rai, Upendra Rai, Ramesh Rai, Nitish Rai, Saman Rai came to his home and started abusing him. When he forbade them, they assaulted him with farsa, lathi, rod, sword, spear due to which he sustained head injury as well as injuries on his back. When brother Gajendra Yadav came to rescue him, Ram Sogarath Rai assaulted him with farsa due to which he sustained head injury. Other accused assaulted him with iron rod resulting in fracture in his left leg. When his son Satyendra Yadav came to rescue them, Saman Rai assaulted with sword repeatedly resulting in injury on his head and neck. He also sustained injuries on his fingers while rescuing himself. Hiralal Rai assaulted Sangeeta Devi with iron rod due to which she sustained head injury. They also assaulted his brother Jitendra Yadav, mother Kailashiya Devi and son Sujeet Kumar. Upendra Rai assaulted his son Sujeet Kumar with sword resulting in injury on his hand and head. Arvind Rai assaulted Kailashiya Devi with iron rod and Nitesh Kumar assaulted Jitendra Yadav with rod. They also took away Rs. 90,000/- cash and ornament worth Rs. 200000/-.
3. On the basis of written report of the informant Madhuban P.S. case no. 65/2020 was registered u/s 147, 447, 341, 323, 324, 325, 307, 448, 379, 504, 506 of IPC against twelve accused persons namely Ram Sogarath Rai, Ramchandra Rai, Rambalak Rai, Arvind Rai, Avanish Rai, Ravindra Rai, Hiralal Rai, Upendra Rai, Ramesh Rai, Nitesh Rai, Pawan Rai, Suman Rai. After investigation Supplementary charge-sheet was submitted against accused

persons namely Ramchandra Rai, Rambalak Rai, Arvind Rai, Ravindra Rai, Heeralal Rai, Upendra Rai, Ramesh Rai, Nitish Rai, Pawan Rai and Saman Rai u/s 147, 323, 341, 324, 325, 504, 506, 307, 337 read with 34 of IPC. Miss Garima Rani, the then Ld. J.M.F.C. at Motihari, East Champaran took cognizance against accused persons and Ms. Zeenat Manzoor the then Ld. J.M.F.C, Motihari committed the record to the Court of Sessions which was later on received in this court for trial and disposal.

4. The charge was framed u/s 147, 323, 341, 324, 325, 504, 506, 307, 337 read with 34 of IPC against accused persons and was read over and explained to them in Hindi to which they pleaded not guilty and claimed to be tried.

5. In support of its case prosecution has altogether examined eight witnesses namely-

PW-1 Indu Devi

PW-2 Sangeeta Devi

PW-3 Gajendra Yadav

PW-4 Satyendra Kr. Yadav

PW-5 Sujeet Kumar

PW-6 Manju Devi

PW-7 Laxman Sahani

PW-8 Virendra Yadav

Apart from oral evidence the prosecution has not marked any documents as exhibit.

6. After closing the prosecution's evidence, the statement of the accused person was recorded u/s 313 Cr.P.C. whereby he denied the evidence against him and claimed to be innocent.

7. The defence has not produced any evidence despite of opportunity given.

8. The point for determination before this court is whether prosecution has been able to prove the guilt of the accused beyond the shadow of all reasonable doubts?

FINDINGS

9. PW-1, PW-6 and PW-7 denied any knowledge of occurrence and further stated that police did not record their statement and they were declared hostile.

10. PW-2 deposed before the court that the occurrence took place about 3 years ago at about 9:30 PM. She was in her house. Hearing noise she came out and saw that hot verbal exchange was taking place between her brother-in-law Birendra Rai and Ram Sogarath Rai. In the course of the same, quarrel took place. When she went to rescue them, the accused persons assaulted her due to which she got injured. She got treatment at Sadar Hospital, Motihari. During cross-examination she stated that there was a crowd at the time of occurrence and someone from that crowd pushed her. It was dark at night. She did not

know who pushed her. Only hot verbal exchange took place on the place of occurrence and no assault took place.

11. PW-3 deposed before the court that the occurrence took place about three years ago at about 9:30 PM. He was in his house at the time. On hearing noise he came out and saw that Ram Sogarath Rai, Ramchandra Rai, Rambalak Rai along with other co-accused came at the door of his brother Virendra Rai and started abusing him. When he forbade them, all the accused persons assaulted his brother. When he went to rescue him, all the accused persons assaulted him due to which he sustained injury. During his cross-examination he stated that he has no knowledge how he sustained injury. It was dark night. There is no dispute between both the sides.

12. PW-4 deposed before the court that the occurrence took place 3-4 years ago at about 9:30 PM. He was at his house. On hearing noise, he came out and saw that Ram Sogarath Rai, Ramchandra Rai, Rambalak Rai along with co-accused persons came at the door of his father Virendra Rai and started abusing him. When he forbade them, all the accused persons assaulted his father and when he went to rescue him, all the accused persons assaulted him and due to which he got injured. During cross-examination he stated that when he ran after hearing noise, he fell down, due to which he sustained minor injuries and it was a dark night. There is no dispute between both the sides.

13. PW-5 deposed before this court that his father Virendra Rai is the informant of this case. The occurrence took place about three years ago at about 9:30 PM. He was in his house. On hearing noise, he came out and saw that Ramsogarath Rai, Ramchandra Rai, Rambalak Rai along with co-accused persons came at the door of his father and started abusing him. When he forbade them all the accused persons assaulted him. When he went to rescue his father they also assaulted him due to which he got injured. During his cross-examination he stated that he has no knowledge how he sustained injury. It was dark night. There is no dispute between both the sides.

14. PW-8 the informant of this case deposed before the court that the occurrence took place about four years ago at 9:30 PM. He was at his door. All the accused persons namely Ram Sogarath Rai, Ramchandra Rai, Rambalak Rai along with co-accused persons came at his home and started abusing him. When he forbade them, all of them started assaulting him with farsa, lathi, rod, sword, spare due to which he sustained head injury. When his brother Gajendra Yadav came to rescue him he was also assaulted due to which he sustained injury. The also assaulted Satyendra Yadav and injured him. On hearing noise Sangeeta Devi came to rescue them, they assaulted her due to which she got injured. His mother Kailashiya Devi was also assaulted due to which she got injured. He gave written application to the police after putting his thumb

impression on it. During his cross-examination he stated that he and accused are pattidar. There was land dispute between them over which hot verbal exchange took place. The written application over which he put his thumb impression was not read over to him. He has no knowledge what was written in the written application. It was dark at night, therefore, he could not see who sustained injury and the scuffle. Compromise has taken place between them in the counter case. There is no more dispute between them.

15. Having heard the arguments, perused the case record. From the perusal of the record it transpires that the prosecution has examined altogether eight witnesses out of whom PW-1, 6 and 7 denied any knowledge about occurrence and further stated that police did not record their statement. They were declared hostile. PW-8 the informant of this case deposed before the court that the occurrence took place about four years ago at 9:30 PM. He was at his door. All the accused persons namely Ram Sogarath Rai, Ramchandra Rai, Rambalak Rai along with co-accused persons came at his home and started abusing him. When he forbade them, all of them started assaulting him with farsa, lathi, rod, sword, spear due to which he sustained head injury. When his brother Gajendra Yadav came to rescue him he was also assaulted due to which he sustained injury. The also assaulted Satyendra Yadav and injured him. On hearing noise Sangeeta Devi came to rescue them. They assaulted her due to which she got injured. His mother Kailashiya Devi was also assaulted due to which she got injured. He gave written application to the police after putting his thumb impression on it. During his cross-examination he stated that he and accused are pattidar. There was land dispute between them over which hot verbal exchange and little scuffle took place. The written application over which he put his thumb impression was not read over to him. He has no knowledge what was written in the written application. It was dark at night, therefore, he could not see who sustained injury in the scuffle. Compromise has taken place between them in the counter case. There is no more dispute between them. Thus it transpires that though this witness has supported the prosecution's case in his examination-in-chief but during cross-examination he has not supported the allegation of assault and he stated that only hot verbal exchange and little scuffle took place. PW-2 deposed before the court that hot verbal exchange was taking place between her brother-in-law Virendra Rai and Ram Sogarath Rai. In the course of the same quarrel took place. When she went to rescue him, the accused persons assaulted her due to which she got injured. During cross-examination she stated that it was dark at night. She did not know who pushed her. Only hot verbal exchange took place on the place of occurrence and no assault took place. Thus she has not supported the allegation of assault against the accused persons in her cross-examination. PW-3 and PW-5 have supported

the prosecution's case in their examination-in-chief but during cross-examination they stated that they have no knowledge how they sustained injury. It was dark night. There is no dispute between both the sides. PW-4 has supported the prosecution's case in his examination-in-chief but during cross-examination he stated that when he ran after hearing noise, he fell down, due to which he sustained minor injuries and it was a dark night. There is no dispute between both the sides. Thus none of the injured has supported the allegation of assault with farsa, lathi, sword, spear in his/her evidence. After considering the entire evidence, it seems that due to prevailing compromise neither the informant nor other witnesses including injured have supported the charges levelled against the accused persons in their evidence. Doctor and I.O of this case have not been examined as witness by the prosecution.

16. In the light of above discussed facts and circumstances I conclude that the prosecution has failed to prove the charges levelled against the accused persons namely Ramchandra Rai, Rambalak Rai, Arvind Rai, Ravindra Rai, Heeralal Rai, Upendra Rai, Ramesh Rai, Nitish Rai, Pawan Rai and Saman Rai beyond all reasonable doubts.

ORDER

The accused persons namely Ramchandra Rai, Rambalak Rai, Arvind Rai, Ravindra Rai, Heeralal Rai, Upendra Rai, Ramesh Rai, Nitish Rai, Pawan Rai and Saman Rai are held not guilty and acquitted of charges u/s 147, 323, 341, 324, 325, 504, 506, 307, 337 read with 34 of IPC. They are set forth at their liberty. Accused persons are also discharged from their liabilities of their respective bail bond.

Written and corrected by me

Sd/-
(Richa Bhargava)
Addl. Sessions Judge-III
Motihari, East Champaran
01.02.2025

Sd/-/-
(Richa Bhargava)
Addl. Sessions Judge-III
Motihari, East Champaran
01.02.2025

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	Indu Devi	Witness of facts
PW-2	Sangeeta Devi	Witness of facts
PW-3	Gajendra Yadav	Witness of facts
PW-4	Sateyendra Kumar Yadav	Witness of facts
PW-5	Sujeet Kumar	Witness of facts
PW-6	Manju Devi	Witness of facts
PW-7	Laxman Sahani	Witness of facts
PW-8	Virendra Yadav	Witness of facts

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	None	

LIST OF PROSECUTION/DEFENCE COURT EXHIBITS

A. Prosecution

Sr. No	Exhibit Number	Description
	None	

Sd/-
Richa Bhargava
Addl. Sessions Judge-III,
Motihari, East Champaran
01.02.2025