

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-05TH,
EAST CHAMPARAN AT MOTIHARI, BIHAR.

Present:
Awadhesh Kumar,
Addl. Sessions Judge-V,
East Champaran at Motihari.

Dated: 08.02.2023

S.Tr. Case No. 1189/2022
CIS No.1189/20222
(Arising out of Harsidhi P.S. Case No. 39/2001)

STATE OF BIHAR

Represented by : Sri Mohan Thakur, Ld. A.P.P

Vrs.

1. Mintu Thakur @ Mantu, aged about 38 years, S/o- Rameshwar Thakur, resident of village Jagapakar, P.S. Harsidhi, District- East Champaran.

.....Accused.

Represented by : Sri Nand Kishore Singh, Ld. Advocate

JUDGMENT

Date of Offence	11.04.2001
Date of FIR	12.04.2001
Date of Charge sheet	04.11.2003
Date of Framing of charges	20.04.2011
Date of commencement of evidence	05.07.2011
Date on which judgment is reserved	08.02.2023
Date of the Judgment	08.02.2023
Date of the Sentencing Order, if any	NA

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release or 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	Mintu Thakur @ Mantu	21.12.2002	10.04.2003	147, 148, 149, 307, IPC 27 Arms Act & 4/5 Explosive Substance Act	Acquitted		

1. Sole accused, namely, Mintu Thakur @ Mantu stands charged under Section 147, 148, 149, 307 of IPC, 27 of Arms Act & 4/5 Explosive Substance Act.

Facts in Brief:

2. The prosecution case, in short, is that one Narendra Thakur has given a written application to the officer in charge Harsidhi Police Station that on 11.04.2001 at about 12:30 in the Panchayat Election, a Mukhiya candidate Kanhaiya Thakur alongwith other accused persons armed with explosive gathered there and made firing. A villager Guddu Thakur injured by bomb, he sustained injury on his hand and due to firing other persons also injured. Accused Prabhunath Thakur armed with licency pistol and other accused persons armed with pistol and bomb were trying to loot the booth and injured them.

3. On the basis of written application, Harsidhi Police Station registered a case vide Harsidhi P.S. Case no. 39/2001 and matter was investigated. On completion of investigation charge-sheet has been submitted against the accused.

4. On the basis of charge-sheet the then Id. C.J.M. has taken cognizance and committed to this case to the Court of Sessions. Later on, this case has come to this court for trial and disposal.

5. Charges against the accused were read over and explained to the accused u/s 147, 148, 149, 307 of IPC, 27 of Arms Act & 4/5 Explosive Substance Act in Hindi to which accused has pleaded not guilty and claimed to be tried.

6. The defence of accused is that he has committed no offence and he has been

wrongly dragged in this case.

7. Now the only point for determination, in this case as to whether the prosecution has been able to prove the charges against the accused beyond all shadow of reasonable doubt or not.

FINDINGS

8. In order to prove this case prosecution has examined following witnesses.

PW-1 Baidnath Ram.

PW-2 Ajay Kumar Thakur

PW-3 Jitendra Thakur.

PW-4 Narendra Thakur (Informant).

The prosecution has adduced documentary evidence.

Exhibit-1 is the signature of Jitendra Thakur on the seizure list.

Exhibit-1/1 is the signature of the informant on the seizure list.

Exhibit-2 is the written application.

9. For the sake of convenience, firstly I would like to discuss the evidence of informant Narendra Thakur (P.W.-4). This witness has stated before the court that he is the informant of this case. This occurrence is of the year 2001. He was the candidate of Mukhiya of Jagapakar. On the date of election at about 12:30 PM accused Kanhaiya Thakur, Jitenra Thakur, Prabhu Thakur aremd with weapon came and made firing. In the said occurrence, Vijay Kumar @ Guddu, Anil Thakur and others injured. He gave a written application to the Harsidhi P.S. which has been marked as Exhibit-2. Police has prepared seizure list on which he has signed which has been marked as Exhibit-1/1. Those, who made firing had died. He identifies the accused Bhupendra Thakur and Upendra Thakur, they hail from his village.

In course of cross-examination, this witness has stated that these accused persons were not present at the place of occurrence. At the place of occurrence there was huge crowd. On the saying of people, he gave written application and named these accused persons.

10. PW-1 Baidnath Ram. This witness has stated before the court that he has no knowledge about this case. He has been declared hostile by the prosecution. A being suggestion made by the prosecution, this witness has stated that he has not stated before the police that on the day of election at about 12:30 PM all the accused persons came and made firing. He identifies the accused, they hail from

his village.

In course of cross-examination by the defence this witness has stated that accused are his villagers, so identify them.

11. PW-2 Ajay Kumar Thakur, this witness has stated before the court that he identifies all the accused persons. He has not injured in this occurrence.

In course of cross-examination, this witness has stated that accused are his villagers, so identify them.

12. PW-3 Jitendra Thakur, this witness has proved his signature on the seizure list which has been marked as Exhibit-1.

In course of cross-examination, this witness has stated that accused are his villagers, so identify them.

13. On behalf of accused no one has examined. The I.O. and doctor has not been examined.

14. I have gone through the case record, it appears that the informant of this case himself damaging this case. No any witness has supported the prosecution case. The alleged occurrence which was brought before the court is not been proved by the prosecution.

15. Considering the evidence brought on record by the prosecution, I am of the opinion that prosecution has miserably failed to prove the case against the accused.

16. Under the aforesaid situation, there is no alternative before this court except to acquit the accused. Accordingly, accused, namely, **Mintu Thakur @ Mantu** is **acquitted** for the charges leveled against him. Bailors are set free from the liabilities of their respective bail bonds.

Dictated and Corrected by me

(Dictated)

(Awadhesh Kumar)
Addl. Sessions Judge-Vth
East Champaran, Motihari.
Dated: 08.02.2023

(Awadhesh Kumar)
Addl. Sessions Judge-Vth
East Champaran, Motihari.
Dated:- 08.02.2023.