

Sd/-

“FORM-A”

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, SHEOHAR Present:- Sri Udaywant Kumar, Sessions Judge, (Date of Judgment:- 19.10.2024) Sessions Trial No.-25/2017 Registration No.- BRSO010013452017 Ref :- In connection with Sheohar PS Case No.-53/2014, dated-23.03.2014, bearing GR No.- 168/2014, U/section:-323, 325, 307 and 379/34 of IPC District- SHEOHAR.	
INFORMANT	Shambhu Singh, S/o Late Chandrika Singh, R/o Village-Basahiya Ram, Police Station-Sheohar, District-Sheohar
REPRESENTED BY	Sri Shailendra Kumar, Ld. Public prosecutor
ACCUSED	1. Rupesh Singh, Aged-about 30 years, S/o Abhinandan Singh, 2. Bindeshwar Singh, Aged-60 Years, S/o Late Yugal Singh 3. Harishchandra Singh, Aged-50 Years, S/o Late Yugal Singh 4. Satish Singh, Aged-28 Years, S/o Abhinandan Singh 5. Deepak Singh, Aged-35 Years, S/o Abhinandan Singh 6. Abhinandan Singh, Aged-75 Years, S/o Late Yugal Singh 7. Ramnandan Singh, Aged-65 Years, S/o Late Yugal Singh 8. Shiv Chandra Singh, Aged-45 Years, S/o Late Yugal Singh, R/o Village-Basahiya Ram, PS-Sheohar, District-Sheohar
ACCUSED PERSONS REPRESENTED BY	Sri Tripurari Kumar Sinha, Ld. Advocate

“FORM-B”

Date of offence	23.03.2014
Date of FIR	23.03.2014
Date of Charge sheet	CS No.-94/2015, date-30.02.2015
Date of Cognizance	22.09.2015
Date of Framing Charges	29.06.2017
Date of Commencement of Evidence	08.03.2018
Date of which judgment is reserved	11.09.2024
Date of judgment	19.10.2024
Date of the Sentencing order, if any	Nil
Date of Amalgamate to Record	Nil

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Accused Details :-

Rank of the Accused	A-1
Name of Accused	Rupesh Singh
Date of Custody	15.07.2014
Date of Release on Bail	15.07.2014
Offences Charged with	U/section- 307/34/149, 323/34/149, 325/34/149, 341/34/149, 447/34/149 and 147 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	Nil

Rank of the Accused	A-2
Name of Accused	Bindeshwar Singh
Date of Custody	15.07.2014
Date of Release on Bail	15.07.2014
Offences Charged with	U/section- 307/34/149, 323/34/149, 325/34/149, 341/34/149, 447/34/149 and 147 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	Nil

Rank of the Accused	A-3
Name of Accused	Harishchandra Singh
Date of Custody	15.07.2014
Date of Release on Bail	15.07.2014
Offences Charged with	U/section- 307/34/149, 323/34/149, 325/34/149, 341/34/149, 447/34/149 and 147 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	Nil

Rank of the Accused	A-4
Name of Accused	Satish Singh
Date of Custody	15.07.2014
Date of Release on Bail	15.07.2014
Offences Charged with	U/section- 307/34/149, 323/34/149, 325/34/149, 341/34/149, 447/34/149 and 148 of IPC
Whether Acquitted or convicted	Acquitted

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Sentence Imposed	Nil
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Rank of the Accused	A-5
Name of Accused	Deepak Singh
Date of Custody	15.07.2014
Date of Release on Bail	15.07.2014
Offences Charged with	U/section- 307/34/149, 323/34/149, 325/34/149, 341/34/149, 447/34/149 and 147 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	Nil

Rank of the Accused	A-6
Name of Accused	Abhinandan Singh
Date of Custody	15.07.2014
Date of Release on Bail	15.07.2014
Offences Charged with	U/section- 307/34/149, 323/34/149, 325/34/149, 341/34/149, 447/34/149 and 147 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	Nil

Rank of the Accused	A-7
Name of Accused	Ramanandan Singh
Date of Custody	22.05.2015
Date of Release on Bail	22.05.2015
Offences Charged with	U/section- 307/34/149, 323/34/149, 325/34/149, 341/34/149, 447/34/149 and 147 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	Nil

Rank of the Accused	A-8
Name of Accused	Shiva Chandra Singh
Date of Custody	22.05.2015
Date of Release on Bail	22.05.2015
Offences Charged with	U/section- 307/34/149, 323/34/149, 325/34/149, 341/34/149, 447/34/149 and 147 of IPC
Whether Acquitted or convicted	Acquitted
Sentence Imposed	Nil

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“FORM-C”

LIST OF PROSECUTION/DEFENSE/COURT WITNESS

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
1.	Sanjay Kumar Singh	Hostile
2.	Rudal Ram	Hostile
3.	Lal Babu Paswan	Other witness
4.	Shambhu Nath Singh	Sd/- Informant
5.	Prem Shankar Paswan	Investigating officer

B. Defence Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

C. Court Witness, if any: -

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

LIST OF PROSECUTION/DEFENCE/COURTS EXHIBITS :-

A. PROSECUTION;-

SR. NO.	EXHIBIT NUMBER	DESCRIPTION
1.	Exhibit-1/PW-4	Signature of witness Ravi Kumar on Fard-e-bayan
2.	Exhibit-2/PW-5	Writing of SI CK Singh on the fard-e-bayan
3.	Exhibit-2/1/PW-5	Endorsement on the Fard-e-bayan made by SHO
4.	Exhibit-3/PW-5	Charge sheet

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B. DEFENCE :

SR. NO.	EXHIBIT NUMBER	DESCRIPTION
Nil	Nil	Nil

C. COURT EXHIBITS :

Sr. No.	EXHIBIT NUMBER	DESCRIPTION
Nil	Nil	Nil

D. MATERIAL OBJECTS :

Sr. No.	MATERIAL OBJECT NUMBER	DESCRIPTION
Nil	Nil	Nil

Present :-

Udaywant Kumar
Principal Sessions Judge,
Sheohar

JUDGMENT

1. The accused persons above named are facing trial in connection with Sheohar PS Case No.- 53/2014, dated-23.03.2014, bearing GR No.-168/2014, instituted U/section:-323, 325, 307 and 379/34 of IPC.
2. The prosecution case in brief is that on 23.03.2014 at 07:30 PM in the evening the informant was sitting at his door when the accused Abhinandan Singh, Ramnandan Singh, Bindeshwar Singh, Harischandra Singh arrived their armeSd/-
3. d with Iron rod, Lathi and Katta and started abusing him in filthy language. It is alleged that thereafter they assaulted the informant and thereupon on the order of accused Chandar Singh the accused Shiv Chandar Singh, Dipak Singh, Rupesh Singh and Satish Singh assaulted the informant mercilessly. It has come in the FIR that the accused Dipak Singh assaulted at the head of informant with Iron rod which was defended by informant with his right hand and thereupon the bone of his said hand was got broken. It is further alleged that the accused Rupesh Singh has stolen Rs.1600/- from the pocket of his shirt and when the nephew of informant namely Ravi Kumar Singh intervened to save him then he was also assaulted by accused Harichandra Singh and Rupesh Singh with Iron rod at

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his back causing lacerated bleeding injury thereon. It is alleged that the informant and his nephew were spared only on the arrival of the villagers who came there upon listening noise. Accordingly, with the said allegation FIR has been instituted.

4. The charge-sheet bearing CS No.-94/2015, dated-30.02.2015, Sd/-
5. 2015, U/sections-341, 323, 325, 307 and 447/34 of IPC has been submitted by police. The learned Magistrate took cognizance of offense vide order dated-22.09.2015 and subsequent thereto the matter was got committed to this court of Sessions vide order dated-23.02.2017. The record of instant Sessions Trial was received by the office of this court on 08.11.2017 and thereupon the Sessions Trial was got constituted. The common charge was subsequently framed U/sections-307/34, 323/34, 325/34, 341/34, 447/34 of IPC against accused persons vide order dated-29.06.2017, whereas specific charge has been framed against accused Satish Singh U/section-148 of IPC on the same date and separate charge has been framed against other accused persons except accused Satish Singh U/section-147 of IPC.
6. The prosecution in course of trial got examined altogether 5 witnesses from its side wherein the PW-1 is Sanjay Kumar Singh, PW-2 is Rudal Ram, PW-3 is Lalbabu Paswan, PW-4 is Shambhu Nath Singh and the PW-5 is Investigating Officer Prem Shankar Paswan.
7. In the documentary evidence the exhibit-1 is signature of witness Ravi Kumar on the Fard-e-bayan, whereas the Fard-e-bayan has been marked Exhibit-2 and the endorsement of SHO on the Fard-e-bayan is marked Exhibit-2/1. The Exhibit-3 is charge-sheet bearing CS No.-94/2015, dated-30.05.2015.
8. The statement of accused persons was got recorded U/section-313 of CrPC on 03.07.2024 wherein they pleaded innocence but no evidence has been adduced on their behalf.
9. The PW-1; Sanjay Kumar Singh, has been declared hostile by prosecution. In para-1 of his examination-in-chief he deposed that he does not know anything about the occurrence and his statement was not recorded by police. On his cross-examination by prosecution with the leave of court the witness denied making statement to police that on 23.03.2014 at 07:30 PM he went to Brahmasthan upon listening noise and found that verbal altercation was taking place in between Shambhunath Singh and his family members and in that occurrence the accused Abhinandan Singh, Ramanand Singh, Bindeshwari Singh, Shivchandra Singh, Satish Singh, Rupesh Singh and Dipak Singh arrived there and started fighting with him. He further denied making statement that Dipak Singh assaulted

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Shambhunath Singh with Iron rod causing the bone of his hand to get broken and thereafter the other accused persons assaulted him together. In para-4 of the cross-examination he denied to have concealed the truth after going in collusion with accused persons. On his cross-examination by defense the witness stated that he identifies the accused persons since they happen to be his co-villagers.

10. The PW-2; Rudal Ram, has also been declared hostile by prosecution. He also deposed that he does not know anything about the occurrence and his statement was not recorded by police. On his cross-examination by prosecution with the leave of court the witness denied making statement to police that the Shambhunath Singh was assaulted by accused persons with Lathi and Danda wherein his right hand was got broken and that the accused persons have stolen away Rs.1600/- from his pocket. The witness lastly denied to have concealed the truth after going in collusion with accused persons. In para-3 of his cross-examination by defense the witness stated that he lives in the village itself.
11. The PW-3; Lalbabu Paswan, deposed in para-1 of his examination-in-chief that the occurrence had taken place on 23.03.2014 at 07:30 PM in the evening. He further deposed that at the said time he was adjacent to Brahmasthan when on the door of Shambhunath Singh he was assaulted by Abhinandan Singh, Ramanandan Singh, Bindeshwar Singh and Harischandra Singh with Iron rod, Katta and baton. He further deposed that the said assault was made by altogether 8 persons including Satish and Rupesh. It has further come in the same para that when the nephew of informant namely, Ravi Singh intervened to save him then he was also assaulted by Satish Singh at his back causing a lacerated bleeding injury thereon and subsequent thereto Rudal Ram, Sanjay Singh, Surendra Patel intervened to pacify the matter. The witness identified the accused so present in the court. On his cross-examination the witness stated that the Shambhunath Singh and the accused Bindeshwar Singh are co-sharers of each other and they are having land dispute in between them. The witness denied that in the land dispute he testified from the side of Shambhunath Singh. In para-7 of the cross-examination the witness stated that Ravi Singh and the Bindeshwar Singh are co-sharers of each other and was having dispute pertaining to land situating in between their houses. In para-9 of the cross-examination the witness stated that the accused Bindeshwar Singh was holding both Iron rod and Katta. In para-12 of the cross-examination the witness stated that the occurrence of assault continued for about one hour and when he reached at the said place the Ravi Singh, Rudal Ram, Sanjay Singh, Surendra Patel, Bramhadeo Paswan were already present there. Lastly he denied that no occurrence of the nature stated by him has taken place and that he deposed falsely.

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12. The PW-4; Shambhunath Singh, is the informant of the case. In para-1 of the examination-in-chief he deposed that the case has been got instituted by him. He further testified that the occurrence had taken place about 6 years ago at 07:00 PM in the evening. He was at his door. The witness continued to depose that the accused Rupesh Singh, Dipak Singh, Satish Kumar, Abhinandan Singh, Bindeshwar Singh, Harishchandra Singh and Shivchandra Singh arrived at his door with Lathi and Danda and abused him before making assault on him. He further deposed that the Rupesh Kumar has stolen Rs.1600/- from him and he along with his son Saurabh Kumar and Shivam Kumar received injury in the occurrence. It has further come in the same para that the he along with Saurabh Kumar was administered of treatment at Sheohar hospital where his statement was recorded but since his hand was broken therefore he could not put signature on the fard-e-bayan and Ravi Kumar signed the same on his behalf. On the identification of informant the fard-e-bayan is marked exhibit-1 from the side of prosecution. In para-2 of the cross-examination the witness deposed that he entered into compromise with accused persons and thereupon the dispute in between them has got settled. He further stated that his money had fallen down at the place of occurrence which he found after two days and hence the no money was got stolen from him. In para-4 of the cross-examination the witness stated that he could not see that who made assault on whom. He further stated that the informant wishes to get the matter disposed in terms of compromise.
13. The PW-5; Prem Shankar Paswan, is the investigating officer of the case. In his examination-in-chief he deposed that he was handed over the charge of investigation of Sheohar PS Case No.-53/2014 on 23.03.2014. On the proof of said witness the formal FIR of the said case has been marked Exhibit-2 from the side of prosecution. The witness further proved the endorsement made by SHO on the fard-e-bayan of informant and on the said proof the endorsement has been marked exhibit-2/1 from the side of prosecution. The witness further testified that he recorded the restatement of informant in Sadar Hospital on 24.03.2014 and thereafter he inspected the place of occurrence in the village-Basahiya. The witness further testified that he subsequently got recorded the statement of witnesses Lalbabu Paswan, Surendra Patel, Sanjay Kumar Singh and Brahmadeo Paswan. It has further come in the same para that on 28.03.2014 he got recorded the statement of independent witnesses namely, Shivshankar Paswan and Rudal Ram. It has come therein that he made search of accused persons but they could not be found in the village. It is deposed that on 10.05.2014 he received the injury report of injured Ravi Kumar Singh and Shambhu Singh. He lastly testified that subsequent to investigation he submitted charge-sheet bearing CS No.-94/2015, dated-30.05.2015, U/sections-341, 323, 325, 307,

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447/34 of IPC against accused persons and on his proof. The charge-sheet so submitted has been marked Exhibit-3 from the side of prosecution. In para-3 of the cross-examination the witness stated that he did not see any sign of occurrence at the place of occurrence and he could not spot any blood stain at the said place. In para-4 of the cross-examination he stated that the informant did not show him any blood stained cloth. Lastly he denied that his investigation is faulty.

14. The learned prosecutor while opening the argument submitted that the freak dispute that had taken place between two co-sharers has laid them to suffer for almost ten years thereafter and slog the legal battle with each other in the court. It is submitted that the FIR of the instant case contain allegation that the accused person arrived at the door of the informant Shambhunath Singh armed with lathi, danda, iron rod and katta. It makes an omnibus allegation that the accused person assaulted the informant and on the order Chandar Singh, the accused Shivchandar Singh, Deepak Singh, Rupesh Singh and Satish Singh made assault with iron rod with the intention to commit murder of informant. There is allegation that Deepak Singh assaulted with iron rod at the head of informant and on the defense made by informant his right hand got broken. The FIR alleges that the accused Rupesh Singh has stolen away Rs.1600/- from the pocket of informant. It is alleged that the nephew of informant Ravi Kumar Singh has also been assaulted on his intervention to save the informant. The learned prosecutor submitted that the informant of the instant case has come to be examined as PW-4 from side of prosecution and in his testimony he deposed that the parties have compromised the matter with each other. It is submitted that the informant and the accused person in fact happen to be the co-sharers of each other and it has come on the record that the genesis of dispute in between them was the land situating in between their houses. The learned prosecutor continued to submit that though the informant so examined as PW-4 supported the factum of occurrence in his examination-in-chief but no specific allegation therein has been made in consequence to the admitted compromise made by him with the accused. It is contended that the dispute in between the parties is relating to the time about ten years ago wherein even the trial continued for about seven years but despite of that some of the witnesses could not be produced before court which is attributable to the reason of compromise in between the parties. It is submitted that among the other witnesses the PW-1; Sanjay Kumar and the PW-2; Rudal Ram has been declared hostile by prosecution whereas the PW-3; Lalbabu Paswan, has been examined on contest and added a new dimension to the occurrence by deposing that he was also assaulted in the occurrence. It is even further submitted that the investigating officer of the case has come to be examined as PW-5 from the side of

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prosecution but despite of much effort the doctor attended the informant could not be produced before court. It is at last submitted that considering the compromise in between the parties there was a bleak hope of finding witnesses and therefore the prosecution evidence was closed. It is submitted that in the event of testimony of informant and the PW-3; Lalbabu Paswsan, corroborated by the investigating office so examined as PW-5 the prosecution managed to establish the factum of occurrence. It is therefore prayed that appropriate order/judgment may be passed in the matter.

15. Per contra, the learned counsel for defense submitted that the prosecution case as alleged is false, frivolous, baseless and concocted. It is submitted/-
16. ed that the accused persons were implicated in the instant case on account of intervention of interlopers of the village and soon the informant realized the truth he changed his stance and testified before the court as he construed the facts in his wisdom. It is further submitted that the prosecution has utterly failed in establishing the factum of occurrence as no cogent evidence could be brought by it on the record. The learned counsel contended that the prosecution case lacks the ingredient of the offence so charged against the accused persons and out of five witnesses so examined by the prosecution two witnesses have been declared hostile whereas the informant has testified that he compromised the case with accused. It is even further submitted that the parties are co-sharers of each other and after compromise good sense has prevailed in between them. It is therefore at last submitted that the prosecution utterly failed in establishing the charge so brought against the accused persons and hence the accused may be acquitted of the charge so brought against them.

CONCLUSION

17. The FIR leading to instant Sessions Case was got instituted about 10 years ago on 23.03.2014. Altogether eight persons are facing trial in the instant case. The informant of the case is Shambhu Singh. On the perusal of record it transpires that the informant and the accused persons are relatives of each other and the seed of dispute in between them was their difference pertaining to a piece of land situating in between their houses. The fard-e-bayan of informant has been marked Exhibit-2 from the side of prosecution. The said fard-e-bayan was got recorded on 23.03.2014 at 21:45 PM at Sadar Hospital, Sheohar by S.I. CK Singh. The endorsement on the fard-e-bayan made by SHO is marked exhibit-2/1 from the side of prosecution. On the perusal of the same it transpires that the FIR was got instituted on 23.03.2014. It is alleged in the fard-e-bayan, marked Exhibit-2, that on 23.03.2014 at 07:30 AM the informant was sitting at his door when accused Abhinandan

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Singh, Ramnandan Singh, Bindeshwar Singh and Harish Chandra Singh arrived there armed with various weapons and started assaulting him. It is further alleged that subsequent thereto on the order of Harish Chandra Singh, the informant was assaulted by accused Shiv Chandar Singh, Deepak Singh, Rupesh Singh and Satish Singh with an intention to commit his murder. The specific allegation against Deepak Singh is that he assaulted the informant with iron rod at his head but on the defense the blow fell on his right hand and therefore his hand was got broken. It is alleged that on the intervention of his nephews Ravi Kumar Singh to save him he was also assaulted by Harishchandra Singh and Rupesh Singh. Therefore it is apparent that the FIR contain allegation of making of assault on two persons including informant and his nephew Ravi Kumar Singh.

18. On the perusal of record it transpires that said Ravi Kumar Singh has not come before court for his examination. The prosecution has further not examined the doctor who attended the informant Shambhu Singh and his nephew Ravi Kumar Singh and therefore no injury report of any of the alleged injured could come on the record. The informant has come before court as PW-4 from the side of prosecution. From the testimony of informant it transpires that he compromised the case with accused persons outside the court. The testimony of PW-4 is clearly reflecting reluctance of the witness from supporting the prosecution version of the case. In para-1 of the examination-in-chief the PW-4; Shambhu Singh made a generic statement of making of assault on him by the accused persons. It has not come in his testimony that his hand was got broken in the occurrence. In para-1 of the examination-in-chief the witness deposed that he along with Saurabh Kumar was administered treatment at Sadar Hospital, Sheohar. The said statement is not appearing consistent with the fard-e-bayan, marked exhibit-2, where the informant stated that his nephew Ravi Kumar Singh was got assaulted along with him by accused persons and no mention of Saurabh Kumar was made by him therein. In the absence of injury report of informant the prosecution lacks evidence of the factum of assault made on informant or any other person. In para-2 of the cross-examination the PW-4/informant stated that he has compromised the matter with accused persons without any fear, force or pressure and in the testimony of compromise he has signed the compromise petition which is filed on the record. In para-4 of the cross-examination he stated that he could not see who assaulted whom in the occurrence.
19. The only other witness who has been examined on contest from the side of prosecution is PW-2; Lal Babu Paswan. It is relevant to take note of the fact that the name of said witness has not come in the FIR and therefore it is apparent that he figured as witness only in course of investigation. In para-1 of the examination-in-chief he deposed that on

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23.03.2014 at 07:30 PM he was adjacent to “Bramsthan” of his village when he witnessed that at the door of Shambhu Singh, he was assaulted by Abhinbandan Singh, Ram Nandan Singh, Bindeshwar Singh, Harish Chandra Singh, Satish and Rupesh. It is further testified that the informant Shambhu Singh and Ravi Singh got injured in the occurrence. It is relevant to take note of the fact that the informant in his testimony not supported the contention that his nephew Ravi Kumar Singh was assaulted in the occurrence. In para-3 of the cross-examination the witness deposed that the informant Shambhu Singh and the accused Bindeshwar Singh are co-shares of each other and there was land dispute in between them since earlier. In para-8 of the cross-examination it is stated that the house of Ravi Singh and Bindeshwar Singh are adjacent to each other and there is dispute in between them pertaining to way over land situating in between their houses. The said witness is appearing to be the person of the camp of informant as in para-10 of the cross-examination he stated that he regularly visit their houses. The said witness is resident of 4 to 5 houses north to the place of occurrence and as such it transpires that he is not the boundary man either of the informant or the accused person. In para-12 of the cross-examination the witness stated that the occurrence contiSd/-

20. nued for about one hour. The said witness is clearly appearing not credible. In the absence of injury report having been produced from the side of prosecution the testimony of witness as regard assault made on informant stays uncorroborated and as such the reliance cannot be placed on the same safely. Moreover, from the testimony of informant examined as PW-4 it is apparent that the parties have already compromised the case with each other and therefore mere allegation of assault without disclosing the intent to commit murder or causing serious injury on informant does not hold much ground for prosecution. It is relevant to point here out that the PW-3; Lal Babu Paswan, has not testified that any bone of the informant was got broken in the occurrence.
21. The investigating officer of the instant case has come to be examined as PW-5 from the side of prosecution. In para-1 of the examination-in-chief he deposed that the place of occurrence is in the village-Basahiya. No description of the place of occurrence has come in his testimony and the same does not specify presenceSd/-
22. of any sign observed by him on the place of occurrence. In para-3 of the cross-examination the witness stated that he stayed at the place of occurrence for about two hours but he did not see any sign of disturbance present at the spot and neither could he see any blood stain at the said place. In para-5 of the cross-examination the witness stated that he did not get opportunity to me any other injured except the informant Shambhu

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Singh. Therefore the prosecution could not put any force in the contention that the assault was made on the Ravi Singh in the occurrence beside the informant. The PW-1; Sanjay Kumar Singh and the PW-2; Rudal Ram, has been declared hostile by prosecution. In their statement they deposed that they do not know anything about the occurrence and further stated that their statement was not recorded by police.

23. The informant himself has not supported the allegation of assault made on him with an intention to commit his murder by accused rather to the contrary he stated in his cross-examination that they are co-sharers of each other and they have compromised the case outside the court. Therefore in the result of discussion it appears that the prosecution could not establish the charge of making assault by accused against the informant. The prosecution further failed to establish that the accused persons wrongfully restrained informant, committed criminal trespass, threatened him Sd/-
24. or insulted the informant to cause breach of public peace and participated in rioting. The prosecution could not substantiate the charge that the accused Satish Singh participated in rioting armed with deadly weapon. Therefore, in the considered opinion of this court the prosecution failed in establishing the charge so made against accused facing trial herein.
25. In view of the aforesaid facts, circumstances and discussions and after hearing the argument this court comes to the considered conclusion that the prosecution failed in establishing the guilt of accused namely Rupesh Singh, Bindeshwar Singh, Harishchandra Singh, Satish Singh, Deepak Singh, Abhinandan Singh, Ramnandan Singh, Shiv Chandra Singh, U/section-307/34/149, 323/34/149, 325/34/149, 341/34/149, 447/34/149. The prosecution further failed in establishing charge U/section-147 of IPC against Rupesh Singh, Bindeshwar Singh, Harishchandra Singh, Deepak Singh, Abhinandan Singh, Ramnandan Singh, Shiv Chandra Singh. The specific charge U/section-148 of IPC against the accused Satish Singh is also lying not proved. The accused above named are therefore **Acquitted** of the aforesaid charge.
26. The accused persons namely Rupesh Singh, Bindeshwar Singh, Harishchandra Singh, Satish Singh, Deepak Singh, Abhinandan Singh, Ramnandan Singh, Shiv Chandra Singh are on bail and therefore the accused themselves and their bailors are released from the obligation of the bail bonds so executed by them.
27. The accused Rupesh Singh, Bindeshwar Singh, Harishchandra Singh, Satish Singh, Deepak Singh, Abhinandan Singh, Ramnandan Singh, Shiv Chandra Singh are further directed to furnish personal bond of the amount of Rs.10,000/- U/section-437(A) of CrPC

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for securing their appearance before appellate Court in case the appeal, if any, is preferred against the judgment.

28. In view of final adjudication of instant case the pending warrants and other processes so issued in course of trial of the instant case stands recalled and cancelled and the office is directed to issue letter in that regard.
29. The office clerk is directed to send the copy of Judgment to Learned District Magistrate, Sheohar.

Typed, Corrected and Pronounced by :-

Sd/-
(Udaywant Kumar)
Principal Sessions Judge, Sheohar,
Dated- 19.10.2024