

IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1<sup>ST</sup>-CUM- SPECIAL  
JUDGE ( SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)  
Sessions Trial No. 19/2004

IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1<sup>ST</sup>-CUM- SPECIAL  
JUDGE ( SC/ST, CHILDREN & NDPS ACT)  
AURANGABAD (BIHAR)

Vishwa Vibhuti Gupta

Present:- District & Additional Sessions  
Judge-1<sup>st</sup>-cum- Special Judge  
(SC/ST, CHILDREN & NDPS  
ACT), Aurangabad (Bihar)

[Date of the Judgment:-13th. April, 2026]

[ Sessions Trial No. 19/2004]

Goh P.S. Case No. 75/2003

C.I.S. No.-2556/2013

INFORMANT	State of Bihar through Ramnandan Ram
REPRESENTED BY	Shri Shakti Singh, Learned Spl. PP
<i>Versus</i>	
ACCUSED PERSONS	1. Jainil Sharma, aged about 52 years S/o- Shivbachan Sharma 2. Rajesh Sharma, aged about 54 years, S/o-Late Vidhyasagar Sharma 3. Kaushal Kishore Sharma, aged about 52 years, S/o- Late Bachnu Sharma 4. Anil Sharma, aged about 60 years, S/o- Shivbachan Sharma All residents of village-Barpa, PS-Pauthu District- Aurangabad(Bihar)
REPRESENTED BY	Shri Lakhandev Singh, Learned Counsel.

FORM B

<i>District</i>	<i>Aurangabad</i>
<i>Date of Occurrence</i>	<i>09.08.2003</i>
<i>Date of FIR</i>	<i>10.08.2003</i>
<i>Date of Charge Sheet</i>	<i>10.05.2004</i>
<i>Date of Framing of Charge</i>	<i>27.12.2005</i>
<i>Date of Commencement of Evidence</i>	<i>16.02.2008</i>
<i>Date on which judgment is reserved</i>	<i>04.04.2026</i>
<i>Date of Judgment/decision</i>	<i>13.04.2026</i>
<i>Date of the Sentencing Order, if any</i>	<i>N/A</i>

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**Accused Details**

Rank of the Accused persons	Name of the Accused persons	Date of Arrest/ Surrender	Date of Release on Bail	Offences Charged with	Whether Acquitted of convicted	Sentence Imposed	Period of Detention Undergone during Trail for the purpose of Section 428 Cr.P.C.
A-1	Jainil Sharma	02.01.2004	02.01.2004	<b>Section- 148,341,323/149,504 of the IPC, Section 27 of the Arms Act and Section 3(iv) of the SC/ST Act</b>	Acquitted	-N.A.-	-N.A.-
A-2	Rajesh Sharma	23.12.2003	23.12.2003		Acquitted	-N.A.-	-N.A.-
A-3	Kaushal Kishore Sharma	02.01.2004	02.01.2004		Acquitted	-N.A.-	-N.A.-
A-4	Anil Sharma	02.01.2004	02.01.2004		Acquitted	-N.A.-	-N.A.-

**FORM C**

**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**

**Raju Kumar Singh**

**A. Prosecution:**

<b><u>RANK</u></b>	<b><u>NAME</u></b>	<b><u>NATURE OF EVIDENCE</u> ( EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
PW-1	Girija Ram	Other Witness
PW-2	Arbind Kumar Das	Other Witness
PW-3	Arbind Ram	Other Witness

**B. Defence Witnesses, if any:**

<b><u>RANK</u></b>	<b><u>NAME</u></b>	<b><u>NATURE OF EVIDENCE</u> ( EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
1.	NIL	NIL

**C. Court Witnesses, if any:**

<b><u>RANK</u></b>	<b><u>NAME</u></b>	<b><u>NATURE OF EVIDENCE</u> ( EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
1.	NIL	NIL

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**

**A. Prosecution:**

Sr. No.	<u>Exhibit Number</u>	Description
1.	NIL	NIL

**B. Defence:**

Sr. No.	<u>Exhibit Number</u>	Description
1	NIL	NIL

**C. Court Exhibits:**

Sr. No.	<u>Exhibit Number</u>	Description
1	NIL	NIL

**D. Material Objects:**

Sr. No.	<u>Exhibit Number</u>	Description
1	NIL	NIL

**J U D G M E N T**

1. The above named all the accused persons namely **1. Jainil Sharma, 2. Rajesh Sharma, 3. Kaushal Kishore Sharma, 4. Anil Sharma** are facing trial for the offences punishable under **Section-148,341,323/149,504 of the IPC, Section 27 of the Arms Act and Section 3(iv) of the SC/ST Act.** The charge was read over and explained to the accused persons in Hindi, to which they pleaded not guilty and claimed to be tried.

**Prosecution Case**

2. As per the written application of informant Ramnandan Ram, the prosecution case is brief is that on 09.08.2003 at about 6.30 PM, the informant along with his family members were planting paddy crops in the land bearing khata no. 4, plot no. 193, khata no. 10, plot no. 117,120,373, total area 158 dec., khata no. 10, plot no. 192, total area 10 dec, khata no. 182, plot no. 241,352,509,510 total area 158 dec. In the meanwhile the accused persons named in the FIR including the petitioners having lathi and farsa came at the spot and started thrashing them with lathi and they abused taking their casts name and threatened to kill. The informant and his family members afraid and started fleeing then the accused persons fired and went towards their house. It is further stated that the aforesaid land is the possession of informant and he has been ploughing the land since many years but the accused persons want to dispossessed the informant from the said land. Hence, the FIR has been registered. It is pertinent to mention here that out of total 07 accused persons in this case two accused persons namely Vidhyasagar Sharma and Upendra Sharma have been died vide order dated 02.03.2020, 09.10.2009 and 20.04.2026 and the proceeding against them has been abated.

**Investigation**

3. On the basis of written petition of informant, the law was set in motion and Goh Police Station Case No-75/2003 dated 10.08.2003, for the offences punishable Under Section-147,148,149,341,323,504 of the IPC, Section 27 of the Arms Act and Section 3(x) of the SC/ST Act has been registered. The charge sheet no. 19/2004 Dated 0.05.2004 was submitted against the accused persons for the offences punishable Under Section- 147,148,149,341,323,504 of the IPC, Section 27 of the Arms Act and Section 3(x) of the SC/ST Act.

**Charge**

4. The then Learned predecessor of this Court, after hearing both parties and perusal of material on the record, framed the charge against the accused persons on dated 27.12.2005, for the offences punishable under sections-148,341,323/149,504 of the IPC, Section 27 of the Arms Act and Section 3(iv) of the SC/ST Act. The charges were read over and explained to the accused persons in Hindi, to which they pleaded not guilty and claimed to be tried.

**Trial**

5. To substantiate the charges leveled against the accused persons, the prosecution has examined altogether three witnesses in its behalf and no any documentary evidence has been adduced on behalf of the prosecution. The defence has not produced any evidence on its behalf. The brief description of the witnesses are mentioned above for easy reference.

**Points for Determination**

6. On the backdrop of the rival contentions urged at the bar, the main point apposite for determination and adjudication in this case is : Whether the prosecution has been able to prove the charges leveled against the accused persons beyond the shadow of all reasonable doubt or not ?

**PROSECUTION EVIDENCE**

7. In order to bring home the charges, the prosecution has produced altogether two witnesses as oral evidence in its behalf. I have perused the statement of the witnesses **PW1-Girija Ram**-He has stated in his examination-in-chief that the occurrence is of 09.08.2003 at around 6 PM and at the time of occurrence he was planting the paddy crops, in the meantime, Jainil Sharma, Anil Sharma, Rajesh Sharma, Vidhyasagar Sharma, Bachnu Sharma, Kaushal Sharma and Upendra Shamra came there. Jainil Sharma was gun and lathi and other accused persons were having lathi in their hands. All the accused persons

assaulted him with lathi abused and said to leave therefrom otherwise the accused persons would kill him. This witness out of fear started to flee then the accused Jainil Sharma fire ten round. The field at the place of incident belongs to Ramnandan Ram who is his cousin brother. The accused persons claims their own land. His treatment was recorded by the police. He deposed before the police as deposed here. He claims to identify the accused persons.

In his cross-examination done on behalf of the defence, he has stated that he has no any criminal history The area of land situated at the place of occurrence is 192 dec. He studied at Class VIth. He had seen the khatian of the said land which is registered in the name of Ramnandan Ram. He further stated that he does not know in whose name the Demand(Jamabandi) is running. He also further stated that the receipt of the said land is not given by Ramnandan Ram but he has possession over the said land for 20 years. This witness has 1/3 share in the disputed land. His uncle Aklu Ram had given the said land to Ramnandan Ram for its take care. He has further stated that he will place he paper of the said land which would show that Aklu Ram had given the said land to Ramnandan Ram. There is only dispute between this witness and accused persons for this land and this land dispute is running between them for 20 years. The disputed land is 1 KM away west from his village. He further stated that other persons were also planting the paddy crops besides the disputed land but he does know their names. The are of place of occurrence is in north- the land of Ramchandra Prajapati, south-land of Rajnath Sharma, east-land of Gora Yadav and in west-the land of Gopal Singh. The house of accused persons are situated at the distance of 3 KM from the disputed land. The accused persons raised noising came at the place of occurrence but they did not fire with the gun. He had seen the accused at the distance of 1 KM but he does not afraid to see them. He further stated that only Jainil Sharma had assaulted him with lathi and other accused persons did not assault him. The fight lasted for 10 to 5 minutes. The treatment of this witness and Ramnandan Ram(informant) was done. In his denial he has stated that he did not said the police that Jainil sharma had gun and he did not fire ten round and said Sala-Chamar to him. In his denial he has further stated that the disputed land does not belong to him and they have no any possession over the said land. In his denial he has stated that they have falsely implicated the accused persons and they deposed false.

8. **PW2-Arbind Kumar Das-** He has stated in his examination-in-chief that occurrence is of 10.08.2003 at about 6.30 PM and at the time of occurrence he was planting the paddy crops, in the meantime, Jainil Sharma, Rajesh Sharma,

IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1<sup>ST</sup>-CUM- SPECIAL  
JUDGE ( SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)  
Sessions Trial No. 19/2004

Vidhyasagar Sharma, Kaushal Sharma, Upendra Shamra and Bachnu Sharma came there and assaulted them and said that "*Sale Chamar Bhaag Jao Nahi Toh Jaan Se Maar denge*". Then they fled towards their house Jainil Sharma fire ten round. Jainil Sharma having lathi in the right hand and gun in the left hand. Anil Sharma having lathi, Rajesh Sharma having lathi, Vidhyasagar Sharma and Kaushal Sharma having farsa in their hands. He further stated that the disputed land was in the name of his grandfather Aklu Chamar the Survey -kahtiyam and they have possession over the said land which khata no. is 132, plot no. 152 and area 2.20 acre. The accused persons want to dis-possess them from the disputed land for which the incident took place. His statement was recorded by the police. He claims to identify the accused persons.

In his cross-examination done on behalf of the defence, he has stated that his statement was recorded by the polcie on the day of place of occurrence at 6.30 PM. The Police Station, Goh is 10 to 12 Km away from his village. The area of the land is in north-Ramchandra Prajapati, south-the field of Sideshwar Sharma and in east and west-there is pind. The informant of this case Ramnandan Ram is his cousin brother. There is a civil case also running for the said land. He further stated that he cannot tell how many persons had come at the place of occurrence after the incident took place. This witness further stated that when he reached at the place of occurrence then Rajnandan Ram, Girija Ram, Sumitra Devi, Sharda Devi and Bachchi Devi were there. He will place the paper of the said land. This witness further stated that the demand of the land is running in the name of Vidhyasagar Sharma, Bachnu Sharma and Upendra Sharma. He further stated that he had field the case for demand but no any order was passed. He further stated that he has the related paper of the said land of Survey Khatiyam 1938 and also the receipt of decree of U/s- 144 Cr.PC. In his denial he has stated that no any occurrence took place as he deposed and he deposed false being the cousin brother of the informant.

9. **PW3-Arbind Ram**-He has stated in his examination-in-chief is that the occurrence is of 09.08.2003 at 6.30 PM and at that time he was planting paddy crops int he field. In the meantime, Jainul Sharma, Anil sharma, Upendra Sharma, Vidhyasagar Sharma, Kaushal Sharma, Rajesh Sharma and Bachnu Sharma came together. Jainul Sharma having lathi in his right hand and gun in the left hand. Anil Sharma was also with lathi, Vidhyasagar having farsa, Rajesh Sharma having lathi, Upendra Sharma and Bachnu Sharma were having with lathi and farsa. Kaushal Sharma etc. came and assaulted them and said to leave the land and abused casteism slurs and said that "*Bhago Chamar nahi to jaan se*

*maar denge*". Then all the family members ran and came to the house and informant tot he police station. The administration came in the morning and recorded their statement. He claims to identify the accused persons.

In his cross-examination done on behalf of the defence, he has stated that his village's name is Ajan. He does not know whether the accused persons have land in his village or not. The title case bearing No. 178/2003 of the accused persons is also running in the Daudnagar's court. The disputed land is 5.71 acre to which the accused persons said their own ancestral land. The accused persons forbidden to plough the said land. *"He further stated that the receipt of the Jamabandi land has been issued in the name of accused persons and their ancestors"*. He has further stated the area of place of occurrence in which in north-the land of Gangotar Sharma, south- Ramnath Sharma, east-pind and in west-pind. Ramnand Ram is his couosin brother. The jamabandi receipt is in his name and no any revenue receipt was issued in the name of any person of his ancestors rather the receipt has been running in the name of accused persons and their ancestors. He has lodged this case when the accused persons forbade them to plough the land and assaulted them. This witness at para-20 he has stated that he sustained injury on his body during the fight. There was wound on his left thigh and blood was oozed but he has not deposited the injury report in this regard. Buchiya Devi, Girija Ram, Sharda Devi and Sumitra Devi were injured. This witness treated himself from his brother Dr. Ramnand Ram. He did not go to the hospital. Dr. Ramanand Ram who is informant of this case had given informant to the police. The wound was seen by the police but the police did not give any application for treatment. His statement was recorded by the police on 10.08.2003 at about 9/10 AM. In his denial he has stated that due to land dispute, assault and caste afflict abuse, this false case has been registered against the accused persons and his brother Ramanand Ram has lodged this false case. In his further denial he has stated that being cousin brother this false case was lodged and he wants to grab the accused's land to put pressure upon them. In is denial he has stated that no any such occurrence took place as he deposed. In his denial he has stated that he concealed the fact that he is accused in Title Case No. 178/2003.

#### **Statement of Accused**

10. After closure of the prosecution evidence, the statement of accused persons has been recorded under section 313(1)(b) of the Code of Criminal Procedure, 1973 on 01.04.2024. While the defence cross-examined the prosecution witnesses to refute the charge on the inculpatory circumstances arising against them, the tone and tenor of the answers of the accused persons to the questions under section 313 (1)(b) of the Cr.PC.

**IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1<sup>ST</sup>-CUM- SPECIAL  
JUDGE ( SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)  
Sessions Trial No. 19/2004**

depicts the plea of total denial. However, it has been stated by the accused persons that they are innocent and they denied the allegation.

**Arguments advanced by both sides**

11. I have already heard the arguments of learned Counsels of both sides and perused the entire case record. The learned defence Counsel has strenuously argued that the prosecution has completely failed to prove this case beyond reasonable doubts. Out of 13(thirteen) witnesses listed in the charge-sheet, a total 03 (three) of them have been examined in this case. The informant and IO have not been examined by the prosecution and the examined witnesses did not support the prosecution case. The learned defence Counsel has finally submitted that there is no evidence against the accused persons facing trial in this case. There is no direct evidence to prove the charges leveled against the accused persons. So, the accused persons deserve acquittal.

On the other hand, the Learned A.P.P. appearing for the state has argued that the witnesses have stated that the case of defence is simple denial of occurrence and false implication. The prosecution witnesses have supported the factum of the occurrence and also the prosecution case and there are sufficient materials available on the record. So, it has been prayed that the accused persons are liable for conviction.

**Finding, Discussions, Decisions and Reasons thereof**

12. From perusal of the record, it transpires that altogether 13 witnesses have been charge-sheeted in this case and out of them, a total three (03) witnesses have been examined by the prosecution. Now, in the back drop of above evidence, let me consider, whether the above mentioned evidence is sufficient to rope the accused persons for committing an offence charged. The appreciation of evidence in a criminal case is the heart and soul of the dispensation of the justice delivery system in criminal law. Upon hearing both sides, I have gone through, as well as scrutinized carefully, the material evidence on record. The arguments put forwarded by the learned counsels for both the sides are also considered. Now, let me discuss and appreciate the evidence rendered by the prosecution in order to arrive at a Judicious decision on the points for determination.

On careful perusal of case record, it transpires that after framing of charge on 27.12.2005, summons, BW/A, NBW/A, D.O. latter have been issued against the prosecution witnesses but the prosecution has produced only three (03) witnesses in this case, during this span of more than a decade. From perusal of the witnesses examined in this case. PW1-Girija Ram- This witness has supported the prosecution case during his examination-in-chief and during his cross-examination, this witness has stated that he had seen the khatian of the said land which is registered in the name of Ramnandan Ram. He further stated

IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1<sup>ST</sup>-CUM- SPECIAL  
JUDGE ( SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)  
Sessions Trial No. 19/2004

that he does not know in whose name the Demand(Jamabandi) is running. He also further stated that the receipt of the said land is not given by Ramnandan Ram but he has possession over the said land for 20 years. This witness has also stated that he did not afraid with the accused persons. Only accused Jainil Sharma has assaulted him and the other accused persons did not assault him but no any injury report was produced by the prosecution. **PW2-Arbind Kumar Das**- this witness has also supported the prosecution case during the examination-in-chief. This witness has been twice examined in this case. This witness during his cross-examination has also he cannot tell how many persons had come at the place of occurrence after the incident took place. He had filed the case for demand(Jamabandi) but no any order was passed. The jamabandi receipt is in his name and no any revenue receipt was issued in the name of any person of his ancestors rather the receipt has been running in the name of accused persons and their ancestors. This witness at para-20 he has stated that he sustained injury on his body during the fight. There was wound on his left thigh and blood was oozed but he has not deposited the injury report in this regard. Buchiya Devi, Girija Ram, Sharda Devi and Sumitra Devi were injured. This witness treated himself from his brother Dr. Ramnand Ram. He did not go to the hospital Dr. Ramanand Ram who is informant of this case had given informant to the police. But no any injury report was produced by the prosecution. The doctor has also not been examined by the prosecution. The wound was seen by the police but the police did not give any application for treatment. Hence, from testimonies of all these three witnesses, it is clear that there are contradiction in the statement of these witnesses. It is noteworthy that informant has failed to turn up before this court for his examination despite all processes have been issued against him by this court. The IO of this case has also not been examined by the prosecution for the reasons best known to him. The absence of informant and prosecution witnesses weakens the case of prosecution to an extent that prosecution case cannot be stand on its own footing. The prosecution has also failed to adduce any material exhibit before the court supporting the charge framed against the accused person. It is a classic case wherein the prosecution has taken time for more than a decade to adduce its witness but despite all its efforts and it has adduced only four prosecution witnesses who have also turned hostile and failed to corroborate the prosecution story. Finally, seeing no possibility of appearance of any further witnesses in near future in this case and after giving last chance to produce evidence, the evidence of prosecution has been closed on 11.03.2024, in order to expedite the trial of this case. Hence, the evidences produced by the prosecution is pathetically

IN THE COURT OF THE DISTRICT & ADDITIONAL SESSIONS JUDGE-1<sup>ST</sup>-CUM- SPECIAL  
JUDGE ( SC/ST, CHILDREN & NDPS ACT) AURANGABAD (BIHAR)  
Sessions Trial No. 19/2004

insufficient to prove the guilt of the sole accused person of this case.

13. In the light of above discussed facts and evidences, having considered the facts and circumstances of this case as well as evidence and other materials available on the judicial record, this Court comes to conclusion that prosecution has been miserably failed and has not been able to prove the charges against the accused persons through cogent and sufficient evidence before this Court. In the result, therefore, providing benefit of doubt, the above named accused persons are liable to be acquitted from the charges leveled against them.

Accordingly, it is hereby,

**ORDERED**

that the above named accused persons namely **1. Jainil Sharma, 2. Rajesh Sharma, 3. Kaushal Kishore Sharma, 4. Anil Sharma** are hereby **acquitted** from the charges of offences punishable under sections **148,341,323/149,504 of the IPC, Section 27 of the Arms Act and Section 3(iv) of the SC/ST Act**. They are set at liberty and their bailors are also discharge from the liabilities of their respective bail bonds. The office is directed to recall all the processes issued if any and deposit the case record in the record room as per provisions.

(Vishwa Vibhuti Gupta)

District & Additional Sessions Judge-1st-cum-  
Special Judge (SC/ST, NDPS & Children Act)  
Aurangabad, Bihar  
Dated: 13.04.2026

*Today, on dated 13.04.2026, this judgment is pronounced in open Court. The judgment is dictated, corrected, signed by me. The same is sealed and attached with the case record.*

(Vishwa Vibhuti Gupta)

District & Additional Sessions Judge-1st-cum-  
Special Judge (SC/ST, NDPS & Children Act)  
Aurangabad, Bihar  
Dated: 13.04.2026