

CNR- BRAU01-011358-2025 SESSIONS TRIAL No.- 548/2025/64/2025 C.I.S. No.
548/2025
FORM- A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IV, AURANGABAD Present: Divya Vashistha, District & Additional Sessions Judge-IV, Aurangabad Date of Judgment: 06.04.2026 FIR No.- 204/2025 PS- Rafiganj U/Sec. 103, 3(5) of the BNS	
Complainant	State of Bihar
Represented by	Sri Anil Kumar Chaturvedi
Accused	1. Rupesh Singh (A1),S/O Gupta Singh, Aged about- 30 Years 2. Santu Kumar (A2), S/O Dhani Singh, Aged about- 48years Both R/O village- Bibipur, PS- Rafiganj, District- Aurangabad
Represented by	Sri Vishal Narayan Singh

FORM- B

Date of Offence	02.05.2025
Date of FIR	03.05.2025
Date of Chargesheet	31.07.2025
Date of Commitment	16.09.2025
Date of Framing of Charges	13.11.2025
Date of commencement of evidence	24.11.2025
Date on which judgment is reserved	04.04.2026
Date of Judgment	06.04.2026
Date of Sentencing Order, If any	N/A

Accused Details :

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged With	Whether Acquitted or Convicted	Sentence imposed	Period of Detention undergone during trial for purpose of Section 428, Cr.P.C.
1.	Rupesh Singh	04.05.2025	06.04.2026	U/s. 103, 3(5) of the BNS	Acquittal	Nil	11 Months 02 days
2.	Santu Singh	04.05.2025	06.04.2026		Acquittal	Nil	11 Months 02 days

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FORM- C

LIST OF PROSECUTION/DEFENCE /COURT WITNESS

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE
PW-1	Harendra Kumar Singh	Eye Witness
PW-2	Anuj Kumar Singh	Hostile Witness
PW-3	Manoj Singh	Eye Witness
PW-4	Kaushalya Devi	Eye witness
PW-5	Kajal Kumari	Eye Witness
PW-6	Satish Kumar Singh @ Satish Lal	Eye Witness
PW-7	Jitendra Kumar Singh	Investigating Officer
PW-8	Sambhu Kumar	Medical Officer
PW-9	Dr. Amrit Kumar	Seizure list witness
PW-10	Mahesh Kumar Paswan	Seizure list witness
PW-11	Dhruv Kumar	Seizure list witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE
NIL	NIL	NIL

C. Court Witness, if any:

RANK	NAME	NATURE OF EVIDENCE

LIST OF PROSECUTION/DEFENCE /COURT EXHIBITS

A. Prosecution:

Sr. No	Exhibit Number	Description
1	Exhibit-P01	Signature of PW-7 on the Written information
2	Exhibit-P02	Signature of PW-7 on the Inquest report
3	Exhibit-P03	Written information
4	Exhibit-P04	Inquest report
5	Exhibit-P05	Dead body challan
6	Exhibit-P06	Signature of Mahesh Kumar Paswan
7	Exhibit-P06/01	Signature of Dhruv Kumar on the seizure list
8	Exhibit-P06/02	Signature of ASI Sambhu Kumar on the seizure list
9	Exhibit-P06/03	Signature of PW-10 on the seizure list.

B. Defence:

Sr. No	Exhibit Number	Description

NIL	NIL	NIL
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C. Court Exhibits

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

D. Material Objects:

Sr. No	Material Object Number	Description
NIL	NIL	NIL

Divya Vashistha
District &Additional Sessions Judge IV,
Aurangabad
06.04.2026

In The Matter of: -

State (Through Jitendra Kumar Singh informant) Prosecution

Versus

- 1. Rupesh Singh, S/O Gupta Singh, Aged about- 30 Years
 - 2. Santu Kumar (A2), S/O Dhani Singh, Aged about-48years
- Both R/O village- Bibipur, PS- Rafiganj, District- Aurangabad

.....Accused Persons

P.S. – Rafiganj

F.I.R. No. - 204/2025

U/Section 103, 3(5) of the BNS

[Cognizance U/Section 103, 3(5) of the BNS

District- Aurangabad

Ld. Counsel for Prosecution: - Sri Anil Kumar Chaturvedi

Ld. Counsel for Defence: - Sri Vishal Narayan Singh

Date of Judgement: 06.04.2026

Present: Divya Vashistha,
District & Additional Sessions Judge IV,
Aurangabad, Bihar

JUDGMENT

- 1. According to the fardbeyan of the informant Jitendra Kumar Singh the story of the prosecution in nutshell is that Ajay Singh who was uncle of the informant (Jitendra Singh) went with Santu Kumar and Rupesh Singh on 02.05.2025 to purchase pipe from Aurangabad but Ajay Singh never returned home. The informant tried to contact his uncle on phone but in vain. On 03.05.2025 at around 06:30 AM one Harendra Singh informed the informant that the dead body of his uncle was lying near his brick kiln. When the informant reached the spot, he saw three clothes tightly wrapped around the neck of his uncle and blood coming out from mouth and ear. He realised that Rupesh Singh and Santu Singh murdered his uncle.
- 2. The FIR was registered under Section 103, 3(5) of the BNS against (1) Santu Kumar (2) Rupesh Singh
- 3. The charge-sheet in the given case was submitted under Section 103, 3(5) of the BNS against- (1) Santu Kumar (2) Rupesh Singh
- 4. The Cognizance in the given case was taken under Section 103, 3(5) of the BNS against- (1) Santu Kumar (2) Rupesh Singh
- 5. The case against (1) Santu Kumar and Rupesh Singh was committed to the Court of Sessions on 16.09.2025.
- 6. The Charge against the accused (1) Santu Kumar (2) Rupesh Singh was framed under Section 103, 3(5) of the BNS read over and explained to them in Hindi to which they did not plead guilty and claimed to be tried.

- 7.** In their respective statement under Section 313 of the CrPC both the accused took the defence of innocence.

FINDINGS

- 8.** In this case the following oral evidence were adduced on behalf of the prosecution-

PW-1 Harendra Kumar Singh	(Eye witness)
PW-2 Anuj Kumar Singh	(Hostile witness)
PW-3 Manoj Singh	(Eye witness)
PW-4 Kaushlaya Devi	(Eye witness)
PW-5 Kajal Kumari	(Eye witness)
PW-6 Satish Kumar Singh @ Satish Lal	(Eye witness)
PW-7 Jitendra Kumar Singh	(Informant)
PW-8 Shambhu Kumar	(Investigating Officer)
PW-9 Dr. Amrit Kumar	(Medical Officer)
PW-10 Mahesh Kumar Paswan	(Seizure list witness)
PW-11 Dhruv Kumar	(Seizure list witness)

Documentary evidence furnished on behalf of the prosecution-

Exhibit-P01	Signature of PW-7 on the written information
Exhibit-P02	Signature of PW-7 on the Inquest report
Exhibit-P03	Written information
Exhibit-P04	Inquest report
Exhibit-P05	Dead body chalan
Exhibit-P06	Signature of Mahesh Kumar Paswan
Exhibit-P06/01	Signature of Dhuruv Kumar on the seizure list
Exhibit-P06/02	Signature of ASI Sambhu Kumar on the seizure list
Exhibit-P06/03	Signature of PW-10 on the seizure list.

- 9.** No Oral or Documentary Evidence adduced on behalf of the defence.

Point of Determination

Whether both the accused attempted to murder PW7 and PW-9 in furtherance of common object?

Appreciation of Evidence

Offence under Section 103 and 3(5) of the BNS

Whether both the accused attempted to murder PW7 and PW-9 in furtherance of common object?

To make out case under above Sections the prosecution has examined total 11 witnesses. PW-07 who is the informant of the case who stated that on 02.05.2025 deceased Ajay Kumar Singh who was his unmarried uncle, left the house without informing anyone but did not return in evening. The deceased was in habit of leaving the house without information. Both the accused were at their residence on the date of the occurrence and the informant queried them about where about of his uncle but they showed unawareness. The next day PW-01 called him on phone and asked him to come to his brick kiln. When he reached the brick kiln

he found the dead body of the deceased wrapped in a bed-sheet. He did not see clothes around the neck of the deceased as its body was covered. He did not pen down the written information instead the police did it for him. He did not tell the police that the deceased went with the accused persons. He had also proved his signature on the written information (Exhibit-P01) and on the inquest report (Exhibit-P02). He was unaware how the deceased was murdered. The deceased did not have tensed relationship with the accused persons and the name of the accused persons surfaced on the basis of suspicion.

PW-01 is the owner of the brick kiln where the dead body of the deceased was found. He deposed that he informed PW-07 about the dead body of the deceased. PW-02, PW-03, PW-04, PW-05 and PW-06 claimed that when they reached the brick kiln of PW-1 they saw the dead body of the deceased covered with cloth but they had no idea who murdered him. PW-11 ASI Dhuruv Kumar stated that the seizure list dated 03.05.2025 (Exhibit-P11) and the seizure list dated 04.05.2025 (Exhibit-P12) were prepared by him. PW-10 is the witness in both the seizure lists. The seizure list dated 03.05.2025 (Exhibit-P11) specify that 3 clothes (Gamchha), 2 pair of black colour slipper and 1 Android mobile of sky blue colour of POCCO company were seized. Similarly, seizure list dated 04.05.2025 (Exhibit-P12) depicted that 1 Mahindra Tractor BR275DI without registration no. was seized.

On going through the oral testimony of the prosecution witness, it is depicted that the dead body of the deceased was recovered from Brick kiln of PW-01. PW-07 who is the informant of the present case got information regarding the recovery of the dead body of the deceased from PW-01. PW-02 to PW-06 were the witnesses who also saw the dead body of the deceased. However, on perusal of the evidence led by the prosecution it could not be ascertained that what was the purpose of seizing the Mahindra Tractor as mentioned in seizure list dated 04.05.2025 (Exhibit-P12) and how the same was connected with the present case. Likewise, the articles mentioned in seizure list dated 03.05.2025 (Exhibit-P11) were not produced before the Court nor any of the prosecution witnesses have specified that they saw it on the body of the deceased as they claimed that the body was covered with a cloth.

If we go through the medical evidence, we find that PW-09 is the medical officer who did the postmortem of the deceased, who found that the deceased died within 24 hours from the date of postmortem which was conducted by him on 03.05.2025. He found fracture of C-1 Cervical spine (Bone) and fracture of mandible bone (right side), fracture of sternum, fracture of 1st to 4th ribs of left side of chest and fracture of 2,3,4 and 5 of right side of chest. He opined that the deceased died due to severe damage to muscle, bone and organ cause hemorrhage shock, cardio pulmonary arrest. From joint study of medical and ocular evidence it can be concluded that the deceased died under suspicious circumstances probably someone murdered him. However, there is no direct or circumstantial evidence on record to establish that the accused persons were responsible for the murder of the deceased. Therefore, accused persons are not found guilty for commission of the offence under Section 103 and 3(5) of the BNS.

**CNR- BRAU01-011358-2025 SESSIONS TRIAL No.- 548/2025/64/2025 C.I.S. No.
548/2025
Order**

Accused Rupesh Singh and Santu Kumar are not found guilty for commission of offence under Section 103 and 3(5) of the BNS. Hence, they are acquitted and their bailors are discharged from the liabilities of their respective bail bonds.
The bailors of the accused are discharged from the duty of bail bond.

**Divya Vashistha
District &Additional Sessions Judge IV,
Aurangabad
06.04.2026**

Dictated & corrected by me

**Divya Vashistha
District &Additional Sessions Judge IV,
Aurangabad
06.04.2026**

Date on which judgment is reserved	04.04.2026
Date of judgment	06.04.2026
Uploading Date	23.04.2026
Uploaded by	Vikul Kumar (Steno)

Dated 19.03.2026

Quantum of Sentence

Heard the learned counsel Sri Surendra Kumar for the convict on the point of sentence. Learned APP, Anil Kumar Chaturvedi for the State has also advanced his arguments. The convict has prayed for leniency on the ground of old enmity, passage of time, and absence of previous conviction or criminal antecedent.

In the present case accused Doman Yadav has been found guilty under Section 148, 149 and 324 of the IPC. However, the present age of the accused is around 76 years and he is a blind man who need assistance for walking. Further, the occurrence took place in the year 1980 indicating thereby that the proceedings in the present case started 46 years back. Therefore, considering the duration of the case, condition of the accused and perusal of the report of the Probation Officer the accused is given privilege of Section 4 of Probation of Offenders Act. Hence, instead of sentencing the accused, the Court direct him to be released on his entering into a bond of Rs. 20,000/- with two sureties of like amount and further directed to keep the peace and be of good behaviour for a period of two (2) years. He is also directed to appear and received sentence when called upon during the mentioned period of 2 years.

Pronounced in the open Court.

**Divya Vashistha
District &Additional Sessions Judge IV,
Aurangabad
19.03.2026**

Dictated & corrected by me

**Divya Vashistha
District &Additional Sessions Judge IV,
Aurangabad
19.03.2026**

Date on which judgment is reserved	19.03.2026
Date of Judgment	21.02.2026
Judgment uploaded date	21.02.2026
Judgment uploaded by	Vikul Kumar (Steno)