

In the Court of Sri Kumar Amit Manu
Additional Sessions Judge-I,
District- Banka(Bihar)
S.T. Case No.-11/15
State of Bihar vs Ranjeet Thakur

FORM A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I, BANKA Present:- Sri Kumar Amit Manu, Additional Sessions Judge-I, Banka [Date of Judgment:- 27-05-2026] [S.T. Case No. -11/2015] F.I.R. No.:-65/2013 Crime:- Under Sections 307, 504 of IPC & 27 Arms Act. Police Station:-Amarpur (Fulidumar), Banka	
INFORMANT	Karu Malakar, s/o-Kailu Malakar, vill-Ganaura, P.S- Fulidumar, Dist.- Banka
REPRESENTED BY	Sri Rajkishore Singh (Ld. Adl. P.P.)
ACCUSED	1. Ranjeet Thakur, s/o-Amit Thakur, village-Ganaura, P.S.-Fulidumar, Dist-Banka, aged about 47 years. (Hereinafter he will be referred as A-1)
REPRESENTED BY	Sri Arvind Kumar Singh, (Ld. Adv.)

FORM B

Date of Offence	26.03.2013
Date of F.I.R.	27.03.2013
Date of Chargesheet	31.07.2014
Date of Framing of Charges	24.02.2015
Date of commencement of evidence	16.06.2015
Date on which judgment is reserve	18.05.2026
Date of the Judgment	27.05.2026
Date of the Sentencing Order, if any	

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	Ranjeet Thakur	20.07.14	06.07.15	307, 504 of IPC & 27 Arms Act.	Acquitted	N.A	N.A

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FORM C
LIST OF PROSECUTION/DEFENCE/COURT WITNESS
A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS
PW 1	Uttam Thakur	Hostile witness
PW 2	Chandeshwar Thakur	Hostile witness
PW 3	Brijlal Mahto	Hostile witness
PW 4	Bhagwan Pd. Yadav	Hostile witness
PW 5	Shyam Malakar	Other witness
PW 6	Karu Malakar	Informant

B. Defene Witness, if any:

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

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS
A. Prosecution

Sr. No.	Exhibit Number	Description
1	Nil	Nil

B. Defence:

Sr. No.	Exhibit Number	Description
1	Nil	

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	Nil	

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D. Material Objects

Sr. No.	Material Object Number	Description
1	Nil	

J U D G M E N T

- 1.** The accused A-1 namely Ranjeet Thakur stands charge under sections 307, 504 of IPC & 27 Arms Act.
- 2.** The case is based upon written statement filed by informant namely Karu Malakar, in which he has stated that on 26.03.2013 at about 08:00 PM, he went for natural call in west direction of his house, and when he was returning, then in the way Ranjeet Thakur came there and started talking nonsense and abused him, when the informant protested, and he proceeded towards his house, then accused fired on him from behind, which struck in right waist of the informant, due to which blood oozed out. The informant raises hue and cry, then people gathered over there and he was taken to hospital for treatment.
- 3.** On the basis of written statement, Police investigated the case. After investigation, Investigating Officer submitted the charge-sheet under section 307/504 IPC and 27 Arms Act on 31.07.2014 against accused person and subsequently cognizance of the offence was taken on 09.12.2014 and the accused person was summoned to face the trial.
- 4.** On 24.02.2015 Charges against accused person namely Ranjeet Thakur was framed under section 307, 504 of IPC & 27 Arms Act and was read over to the accused person to which he pleaded not guilty and claimed to be tried.
- 5.** On 14.05.2026 statement of accused persons has been recorded under section 313 of Cr.P.C in which he denied the case of the prosecution and claimed to be innocent.

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6. Defence case in brief is denial of the entire occurrence and innocence of the accused person.

7. Now, The point for determination arises as to whether prosecution has been able to bring home the guilt of the accused person beyond the shadow of reasonable doubts?

FINDINGS

8. In order to prove its case, the prosecution has examined six witnesses in this case namely:-

PW-1 Uttam Thakur,
PW-2 Chandeshwar Thakur,
PW-3 Brijlal Mahto,
PW-4 Bhagwan Pd. Yadav,
PW-5 Shyam Malakar,
PW-6 Karu Malakar,

Prosecution has not produced any documents as documentary evidence.

9. The defence has not adduced any oral evidence nor any documentary evidence in this case.

10. Now, coming to the evidence of the prosecution witness:-

PW-1 Uttam Thakur, PW-2 Chandeshwar Thakur, PW-3 Brijlal Mahto, PW-4 Bhagwan Pd. Yadav, did not support the prosecution case and were accordingly declared hostile.

PW-5 Shyam Malakar, during his examination-in-chief he has deposed that the incident occurred two and a half years ago and the time was 08:00 PM. Ranjeet Thakur fired at Karu Malakar, he shot him on his buttock. He further deposed that he saw the bullet. Further he identified Ranjeet Thakur present in the court.

In his cross-examination he has has deposed that he used to

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live in village and Ranjeet Thakur is his villagers. On the date of incident he was at his house and he reached at the place of occurrence after 10 minutes. There were 20-25 people, but he did not remembered their names.

PW-6 is Karu Malakar, who is the informant of this case, in his examinaiton-in-chief he has deposed that the incident occurred three and a half years ago and the timing was about 08:00PM, he was returning after natural call, then Ranjeet Thakur came and asked him to bring liquor, when he told him that he has no money, then Ranjeet started to abuse him. When the witness asked him not to abuse, then he took out pistol from his waist and fired on him, which struck on his waist and he fell down. Thereafter people gathere over there and seen the occurrence. He was taken to Amarpur hospital for treatment. On gaining consciousness he gave his statement to Daroga Ji, after understanding it, he and his wife signed on the written statement. He further recognized Ranjeet Thakur present in the court.

In his cross-examination he has deposed that Ranjeet Thakur is of his village. In para 03 he has deposed that he went for natural call in the west of his house, there were no house and he has not meet with anyone. In the way to return home, he meet with the accused in bahiyar. The accused was alone and there were only filed, in which vegetables were cropped. In para 04 he has deposed that after altercation with Ranjeet Thakur, the accused fired bullet on him, due to which he fall down, after that he did not seen where he went. He got consciousness in the hospital on next day. In para 05 he has deposed that he meet with police in the hospital, where he gave his statement to police. He has no dispute with Ranjeet Thakur.

ARGUMENTS

11. During the course of arguments, learned defence counsel, contended that the present case is false and fabricated. The medical officer has not been produced by the prosecution nor

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investigating officer has been produced in court during trial hence this case is shrouded with reasonable doubts.

Per contra, the learned prosecution submitted that the case is well proved as quality and not quantity of evidence matters.

DISCUSSIONS

12. This Court has carefully scrutinized the entire oral as well as documentary evidence adduced on behalf of the prosecution and has duly considered the submissions advanced by the respective parties. In order to substantiate its case, the prosecution has examined six witnesses. However, PW-1 Uttam Thakur, PW-2 Chandeshwar Thakur, PW-3 Brijlal Mahto and PW-4 Bhagwan Pd. Yadav did not support the prosecution version and were consequently declared hostile. Nothing material could be elicited from their cross-examination so as to support the prosecution case.

In the present case, the informant himself is the sole injured witness and has been examined as PW-5. Although PW-5 has supported the prosecution case to the extent that the accused allegedly fired upon him causing injury to his buttock, yet upon careful and deeper scrutiny of his entire testimony, it transpires that he has failed to categorically disclose or establish the exact place of occurrence. In his examination-in-chief, he merely stated that the firing took place when he had gone to the field to relieve himself, but neither the location nor the identity of the field has been specified. During cross-examination, he stated that he had proceeded towards the western side from his house, but failed to disclose either the exact or approximate distance. He has further failed to mention the name of the owner of the field or its boundaries. PW-4, who is stated to have assembled at the place after hearing the sound of firing, has also failed to specify the place of occurrence. Moreover, the injured witness himself has not specifically stated whether the injury was caused on the left buttock or the right buttock, whereas the prosecution case alleges that the bullet injury was sustained on

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the left buttock. Thus, the testimony of the sole injured witness suffers from absence of material particulars and lacks the degree of certainty required for sustaining conviction.

Further, the prosecution has failed to examine the Medical Officer and consequently the injury report has not been proved in accordance with law. In a case involving alleged firearm injury, the testimony of the Medical Officer assumes great significance. The prosecution has also failed to examine the Investigating Officer of the case, as a result of which the place of occurrence has remained unproved.

In light of the aforesaid deficiencies, material discrepancies and inconsistencies emerge in the prosecution case with regard to the place of occurrence, presence of witnesses, sequence of events, nature of assault, weapon allegedly used and medical evidence. It is a settled principle of criminal jurisprudence that where the place of occurrence itself remains doubtful or unestablished with certainty, the entire prosecution story becomes suspect and loses its evidentiary worth. In this regard, reliance may be placed upon the judgment of the **Hon'ble Supreme Court in Syed Ibrahim v. State of Andhra Pradesh, wherein at paragraph 11** it was held that where prosecution witnesses indicate different and inconsistent places of occurrence, the prosecution version becomes unreliable and untrustworthy. Applying the aforesaid principle to the facts of the present case, this Court finds that the prosecution has failed to conclusively establish the place of occurrence and therefore the entire prosecution case becomes doubtful and unsafe to rely upon. Moreover, the prosecution has failed to prove the injury report and the testimony of the sole witness, as discussed above, is devoid of material particulars. No independent witness has been produced to corroborate the prosecution version. Upon overall appreciation and analysis of the evidence available on record, this Court finds that the prosecution has failed to establish the charges against the accused beyond all reasonable doubt.

Accordingly, this Court is of the considered opinion that the prosecution has failed to prove its case against the accused

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beyond the shadow of all reasonable doubt and, therefore, the accused is entitled to the benefit of doubt.

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ORDER

In the light of above said discussion the accused **A-1** namely **Ranjeet Thakur** is hereby acquitted from the charges leveled against him U/s 307, 504 of IPC & 27 Arms Act. He is already on bail, hence he is also discharged from the liabilities of bail bonds.

File to be consigned to the record room.
(Dictated and after correction signed and then pronounced by me in the open court on this 27th May, 2026)

(Kumar Amit Manu)
Addl. Sessions Judge-I
Banka.
Dated-27.05.2026

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Banka
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