

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 369 of 2017
State Versus Mahesh Harijan
Date of Judgment : 20.07.2026

FORM A

IN THE COURT OF SESSIONS JUDGE, BANKA <i>Present:- Sri Satya Bhushan Arya, Sessions Judge</i> <i>Date of Judgment:- 20.07.2026</i> Session Trial No. 369 of 2017 <i>[Rajoun Police Station Case No. 27 of 2017]</i> <i>Crime:- 341, 307, 504, 506/34 of IPC, 27 of Arms Act</i>	
<i>Informant</i>	<i>Sikandar Harijan son of Chandar Harijan, resident of village Mirjapur, P.S. Rajoun, District Banka</i>
REPRESENTED BY	<i>Sri Randhir Prasad Singh, A.P.P.</i>
ACCUSED	<i>Mahesh Harijan son of late Baijnath Harijan, resident of village Mirzapur, P.S. Rajoun, District Banka</i>
REPRESENTED BY	<i>Sri Anil Kumar Yadav, Advocate</i>

FORM B

<i>Date of Offence</i>	<i>24.01.2017</i>
<i>Date of F.I.R.</i>	<i>24.01.2017</i>
<i>Date of Charge-sheet</i>	<i>15.06.2017</i>
<i>Date of Framing of Charges</i>	<i>24.01.2018</i>
<i>Date of commencement of evidence</i>	<i>13.03.2018</i>
<i>Date on which judgment is reserved</i>	<i>Nil</i>
<i>Date of the Judgment</i>	<i>20.07.2026</i>
<i>Date of the Sentencing Order, if any</i>	<i>Nil</i>

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 369 of 2017
State Versus Mahesh Harijan
Date of Judgment : 20.07.2026

Accused Details

<i>Rank of the Accused</i>	<i>Name of Accused</i>	<i>Date of Arrest</i>	<i>Date of Release on Bail</i>	<i>Offences Charged with</i>	<i>Whether Acquitted or convicted</i>	<i>Sentence Imposed</i>	<i>Period of Detention Undergone during Trial for purpose of section 428 Cr.P.C.</i>
<i>1</i>	<i>Mahesh Harijan</i>			<i>341, 307, 504, 506/34 of IPC & 27 of Arms Act.</i>	<i>Acquitted</i>		

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

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</i>
<i>PW 1</i>	<i>Raj Kumar Yadav</i>	<i>Hostile Witness</i>
<i>PW 2</i>	<i>Navin Paswan</i>	<i>Hostile Witness</i>
<i>PW3</i>	<i>Niranjan Harijan</i>	<i>Hostile Witness</i>

B. Defene Witness, if any

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 369 of 2017
State Versus Mahesh Harijan
Date of Judgment : 20.07.2026

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE</i> <i>(EYE WITNESS, POLICE WITNESS,</i> <i>EXPERT WITNESS, MEDICAL</i> <i>WITNESS, PANCH WITNESS,</i> <i>OTHER WITNESS</i>
<i>DW 1</i>	<i>Nil</i>	

C. Court Witness, if any:

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE</i> <i>(EYE WITNESS, POLICE WITNESS,</i> <i>EXPERT WITNESS, MEDICAL</i> <i>WITNESS, PANCH WITNESS,</i> <i>OTHER WITNESS</i>
<i>CW 1</i>	<i>Nil</i>	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

<i>Sr. No.</i>	<i>Exhibit Number</i>	<i>Description</i>
<i>1</i>	<i>Nil</i>	<i>Nil</i>

B. Defence:

<i>Sr. No.</i>	<i>Exhibit Number</i>	<i>Description</i>
<i>1</i>	<i>Nil</i>	

C. Court Exhibits

<i>Sr. No.</i>	<i>Exhibit Number</i>	<i>Description</i>
<i>1</i>	<i>Nil</i>	

D. Material Objects

<i>Sr. No.</i>	<i>Material Object Number</i>	<i>Description</i>
<i>1</i>	<i>Nil</i>	

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 369 of 2017
State Versus Mahesh Harijan
Date of Judgment : 20.07.2026

J U D G M E N T

- 1. The accused named Mahesh Harijan has been brought before this court to face trial vide an FIR lodged under Sections 341, 307, 504, 506/34 of IPC, which is based upon an application filed by one Sikandar Harijan with the allegations that on 24.01.2017, at about 06:00 am, he was going to outskirts of Mirzapur on his call of nature but Mahesh Harijan intercepted him in his way and started abusing. Mahesh Harijan told him that he will kill him as his son was ever seen with his wife. By saying that he took out weapon. At some distance, his brother Pappu Harijan, wife of Mahesh Harijan, his father Baijnath Harijan provoked him to kill upon which Mahesh Harijan fired gun-shot upon him, resultantly he was injured. They threatened him to kill.*
- 2. On the application, Rajoun Police Station Case No. 27 of 2017, under Sections 341, 307, 504, 506/34 of IPC, 27 of Arms Act was lodged and investigation commenced thereon. After completion of investigation, the Investigating Officer filed charge-sheet no. 153 of 2017, dated 15.06.2017, against accused, Mahesh Harijan, under sections 341, 307, 504, 506/34 of IPC, 27 of Arms Act, whereas other FIR named accused persons have not been sent up for trial.*

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 369 of 2017
State Versus Mahesh Harijan
Date of Judgment : 20.07.2026

3. *On 03.07.2017, learned Chief Judicial Magistrate, Banka after going through the materials on record as well as the case diary and charge-sheet took cognizance against the sole accused under Sections 341, 307, 504, 506/34 of IPC, 27 of Arms Act and committed the case to the Court of Sessions on 17.07.2017.*
4. *On 24.01.2018, charges were framed against the accused under Sections 341, 307, 504, 506/34 of IPC, 27 of Arms Act, which were read over and explained to the accused in vernacular language, for which they pleaded not guilty and claimed to be tried.*
5. *In order to prove its case prosecution examined as much as four witnesses : -*

***PW1** Rajkumar Yadav, appeared in the witness box and in his examination-in-chief stated that he does not know anything about the incident. The police had not inquired from him. On the request of prosecution, this witness was declared hostile, however the prosecution could not excavate anything fruitful to its case by cross-examining to its own witness.*

***PW2** Navin Paswan, appeared in the witness box and in his examination-in-chief stated that he does not know anything about the incident. The police had not inquired from him. On the request of prosecution, this witness was declared hostile,*

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 369 of 2017
State Versus Mahesh Harijan
Date of Judgment : 20.07.2026

however the prosecution could not excavate anything fruitful to its case by cross-examining to its own witness.

PW3 Niranjan Harijan, appeared in the witness box and in his examination-in-chief stated that he does not know anything about the incident. The police had not inquired from him. On the request of prosecution, this witness was declared hostile, however the prosecution could not excavate anything fruitful to its case by cross-examining to its own witness.

- 6. Thereafter, despite availing a number of effective adjournments the prosecution could not adduce any evidence and could not produce any witness. All the process i.e. summons, bailable warrants, non-bailable warrants was exhausted but the prosecution could not adduce any evidence. Ultimately, seeing no way, vide order dated 12.03.2026, the prosecution evidence was closed.*
- 7. The statement under Section 313 of the CrPC was also recorded on 13.03.2026, wherein the accused admitted having heard the evidence against him, and pleaded himself as innocent.*
- 8. Now sole point for consideration before this court is whether the prosecution succeeded in proving its case beyond reasonable doubt, which cue the guilt of accused ?*

*In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 369 of 2017
State Versus Mahesh Harijan
Date of Judgment : 20.07.2026*

9. *Learned Additional Public Prosecutor in his oral argument submitted that accused is monied and mighty person and he has won over the witnesses. In the last, he prayed for conviction.*
10. *In counter force, learned counsel for the defense stoutly opposed the submissions and arguments of the prosecution on the ground that the prosecution could very hardly examine three witnesses, all the witnesses turned hostile. Apart from the above witness the prosecution could not bring even a single witness in support of its case. In this situation, the accused may be acquitted.*
11. *Heard rival submissions and perused the record.*
12. *Conclusion :-*

It is settled cannon of law that for bringing the accused to guilt the prosecution must prove the case beyond reasonable doubt. Herein, the prosecution could very hardly examine three witnesses and none of them has supported the occurrence, resultantly they have been declared as hostile.

The prosecution has not examined any other witness apart from the above witnesses.

The prosecution has even failed to examine informant himself.

Apart therefrom neither examined the I.O. of this case nor any injury is proved. In this situation, in the opinion of this court

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 369 of 2017
State Versus Mahesh Harijan
Date of Judgment : 20.07.2026

the prosecution has utterly failed to prove the guilt of the accused, resultantly the accused is acquitted of the charges levelled against him. Since, the accused is enjoying the privilege of bail, he and his sureties are discharged from the liability of the bail bonds.

Record be consigned to the record room after due compliance.

Dictated, Corrected and Pronounced by :-

Satya Bhushan Arya
Sessions Judge, Banka
Dated- 20.07.2026

This judgment contains eight pages, all are signed by me.

Satya Bhushan Arya
Sessions Judge, Banka
Dated- 20.07.2026

<i>Date of Judgment/ Order</i>	
<i>Date of Reserving Judgment/ Order</i>	
<i>Uploading Date</i>	
<i>Uploaded by</i>	