

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, BHAGALPUR

Present :- Dipankar Pandey,
Principal Sessions Judge,
Bhagalpur (Bihar).
Dated: 08th day of June, 2026
Sessions Trial No. 06/2023

[Nathnagar (Lalmatiya) P.S. Case No. 705/2020]

INFORMANT	Arvind Kumar Singh through State
REPRESENTED BY	MR. S. N. P. SAH, LEARNED PUBLIC PROSECUTOR.
ACCUSED	1. Rupesh Kumar , aged about 27 years, S/o Kamal Kishor Singh @ Kamal Mandal Resident of Village- Nasratkhani, P.S. Lalmatiya, Dist-Bhagalpur.
REPRESENTED BY	MR. SRIDHAR KUMAR SINGH, LD. ADVOCATE.
Date of offence	18-11-2020
Date of FIR	19-11-2020
Date of Charge sheet	31-05-2022
Date of Framing of Charge	25-01-2023
Date of commencement of evidence	14-02-2023
Date on which judgment is reserved	03-06-2026
Date of the Judgment	08-06-2026
Date of the Sentencing order, if any	N/A

Accused details:-

Sl. No.	Name of the Accused person	Date of Arrest/ Surrender	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.
A1	Rupesh Kumar	18-12-2021	11-05-2023	U/s 307 IPC	Acquitted	N/A	N/A.

JUDGMENT

1. The above-named sole accused Rupesh Kumar has been charged with offences punishable U/s 307 Indian Penal Code (in short, "IPC").

Prosecution story

2. The prosecution case, as disclosed in the fardbeyan of informant Arvind Kumar Singh is that on on 18.11.2020 at about 08:00 P.M., the informant was going to the market for purchasing clothes for Chhathi. When he reached in front of the house of Ranjit Tanti, the accused Rupesh Kumar allegedly came from behind and assaulted him by means of a Bhujali. As a result thereof, the informant sustained three injuries on the back of his

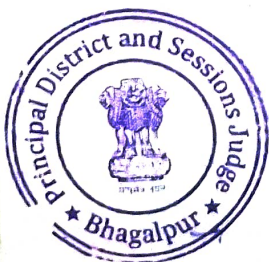


head, four injuries on his back and one injury behind his neck. On alarm being raised, nearby persons assembled there, whereupon the accused fled away. On the basis of the fardbeyan of the informant, the present case was instituted.

Summary of the Case

3. On the basis of the fardbeyan of the informant, Arvind Kumar Singh, Nathnagar (Lalmatiya) P.S. Case No. 705 of 2020 dated 19.11.2020 was instituted under Section 307 of the Indian Penal Code and was subsequently registered as G.R. Case No. 4562 of 2020. Upon completion of investigation, the police submitted Charge-sheet No. 72 of 2022 dated 31.05.2022 against accused Rupesh Kumar for the offence punishable under Section 307 of the Indian Penal Code. Thereafter, vide order dated 16.07.2022, the learned Chief Judicial Magistrate, Bhagalpur took cognizance of the offence under Section 307 of the Indian Penal Code. Subsequently, vide order dated 13.12.2022, the case was committed to the Court of Sessions for trial. Thereafter, the case record was received in the Court of the learned Principal Sessions Judge, Bhagalpur on 03.01.2023 and was registered as Sessions Trial No. 06 of 2023. Vide order dated 03.01.2023, the case was transferred to the Court of the learned District & Additional Sessions Judge-XV, Bhagalpur for trial and disposal. Subsequently, pursuant to transfer order dated 10.04.2026, the case record was received by this Court for trial and disposal.
 4. After appearance of accused Rupesh Kumar, charge under Section 307 of the Indian Penal Code was framed against him by the then District & Additional Sessions Judge-XV, Bhagalpur on 25-01-2023, to which he pleaded not guilty and claimed to be tried. The prosecution examined altogether five charge-sheet witnesses.
 5. After closure of the prosecution evidence, the statements of accused Rupesh Kumar was recorded under Section 313 Cr.P.C on 26-05-2026. All the incriminating circumstances appearing in the prosecution evidence were put to him, to which he stated that he was innocent and has been falsely implicated in the case.
 6. The point for determination in the present case is whether the prosecution has been able to prove, beyond all reasonable doubt, the charge levelled against the accused for the offence punishable under Section 307 of the IPC.
- Findings**
7. In order to prove its case, the prosecution examined five charge-sheet witnesses, namely, PW-1 Arvind Kumar Singh (informant cum injured),

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PW-2 Dinesh Mandal, PW-3 Savita Devi, PW-4 Upendra Sharma (I.O) and PW-5 Dr. Md. Farhan Ahmad Neyazi. Despite issuance of all processes and grant of sufficient opportunities including the last chance to the prosecution, only one Investigating Officer i.e. PW-4, out of three, could be examined. Thereafter, on the prayer of the prosecution, the prosecution evidence was closed.

8. In order to prove its case, the prosecution has brought the following documentary evidence on record.
- 1.Exhibit-PW1-1:- Signature of informant upon the fardbeyan.
 - 2.Exhibit-PW2-1:- Signature of the witness Dinesh Mandal upon the fardbeyan.
 - 3.Exhibit-PW3-1:- Signature of witness Savita Devi upon the fardbeyan.
 4. Exhibit-P2/PW-4:- Fardbeyan of informant Arvind Kumar Singh.
 - 5.Exhibit-P2/1/PW-4:-First forwarding endorsement on the fardbeyan addressed to the Officer-in-Charge, Lalmatiya Police Station.
 - 6.Exhibit-P2/2/PW-4:- Second forwarding endorsement on the fardbeyan.
 7. Exhibit-P3/PW-4:- Endorsement regarding registration of the case on the fardbeyan.
 8. Exhibit P-4/PW-5:- Injury report
9. The defence has neither produced oral nor documentary evidence in support of its case.

Evidence of the prosecution witness

10. PW-1, Arvind Kumar Singh (informant), stated in his examination-in-chief that the occurrence had taken place about two years prior thereto. On the date of occurrence, he was going to the market to purchase clothes. When he reached near the house of Ranjit, someone assaulted him from behind by means of a Bhujali, due to which he fell into a left side drain and sustained injuries on his shoulder and head. Thereafter, he found that no one was present there. A police patrolling vehicle arrived at the place of occurrence and took him to Mayaganj Hospital, where he was treated and his statement was recorded by the police. He stated that the police officer was from Lalmatiya Police Station, but he did not know his name. He further stated that while he was giving his statement, the same was being written by the police. Thereafter, the police asked him to put his signature thereon, whereupon he affixed his signature. The witness identified and proved his signature on the fardbeyan, which was marked Ext.-PW1-1. He further identified the signatures of Dinesh Mandal and Sarita Devi appeared on fardbeyan as witnesses. He identified the accused, Rupesh Ku-



mar, present in the Court. However, he denied the suggestion that he had stated in the fardbeyan that Rupesh Kumar had caused injuries to him.

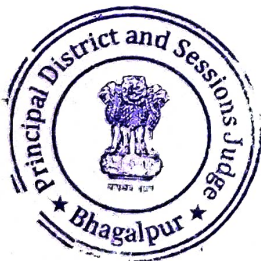
In his cross-examination by the defence, the witness stated that the fardbeyan had been written by the police and that he had merely put his signature thereon. He further stated that the contents of the fardbeyan had neither been read over nor explained to him. He does not know till date as to what had been written therein. He further stated that it was a cold night at about 7:30-8:00 P.M. and that there was darkness, due to which he could not identify anybody. He stated that the accused was his neighbour and, therefore, he could identify him.

11. PW-2, Dinesh Mandal, stated in his examination-in-chief that the occurrence had taken place about two years prior thereto. On the date of occurrence, his brother, Arvind Kumar Singh, was going to the market to purchase clothes when he was assaulted by an unknown person, as a result of which he sustained injuries. He was taken to Mayaganj Hospital, where he was treated. He stated that his statement had not been recorded by the police. The witness identified and proved his signature on the fardbeyan, which was marked Ext-PW2-1. At the request of the prosecution, the witness was **declared hostile** and was permitted to be cross-examined.

In his cross-examination by the prosecution, he denied the suggestion that he had stated before the police that Rupesh Kumar had assaulted his brother Arvind Kumar Singh by means of a Bhujali, causing injuries on his back and neck. He further denied the suggestion that he had concealed the true facts in collusion with the accused. The witness failed to identify the accused, Rupesh Kumar, present in the Court.

In his cross-examination by the defence, the witness stated that he had no knowledge regarding the occurrence. He further stated that Nathnagar Police Station was situated at a distance of about two kilometres from his house. According to him, while his brother was making a statement before the police, the police officer was writing it down. Thereafter, the police asked him, his brother and Savita Devi to put their signatures thereon, whereupon they did so. The contents thereof were neither read over nor explained to him by the police and, till date, he did not know what had been written therein.

12. PW-3, Savita Devi, stated in her examination-in-chief that she did not know anything about the occurrence. She further stated that she did not know whether her statement had been recorded by the police. The witness identified and proved her signature on the fardbeyan, which was marked Ext.-1/2. At the request of the prosecution, the witness was **declared**



hostile and was permitted to be cross-examined.

In her cross-examination by the prosecution, she denied the suggestion that she had stated before the police that on 18.11.2020 at about 8:00 P.M., upon hearing hulla, she had gone to see her injured husband and found blood oozing from his head and back and that her husband had told her that Rupesh Kumar had assaulted him by means of a Bhujali. She further denied the suggestion that she had concealed the true facts in collusion with the accused. She failed to identify the accused, Rupesh Kumar, present in the Court.

In her cross-examination by the defence, the witness stated that her husband are two brothers.

13. **PW-4 Upendra Sharma (I.O)** stated in his examination-in-chief that on 05.01.2021, he was posted as Assistant Sub-Inspector of Police at Nathnagar (Lalmatiya) Police Station. On that day, he had taken over the investigation of Lalmatiya P.S. Case No. 705 of 2020. After taking charge of the investigation, he received the supervision note and thereafter retired from service, due to which he handed over the charge of further investigation of the case to the then Officer-in-Charge of Lalmatiya Police Station. He further stated that the fardbeyan of the informant Arvind Kumar Singh was in the handwriting and signature of the then A.S.I. Ranvijay Singh of Lalmatiya Police Station, which he identified and the same was marked Ext.-P2/PW-4. He also identified the first forwarding endorsement on the fardbeyan bearing the handwriting and signature of the then A.S.I. Ranvijay Singh, which was marked Ext.-P2/1/PW-4. He further identified the second forwarding endorsement bearing the handwriting and signature of the then Officer-in-Charge, Lalmatiya Police Station, Om Prakash, which was marked Ext.-P2/2/PW-4. He also identified the endorsement regarding registration of the case on the fardbeyan bearing the handwriting and signature of the then Officer-in-Charge, Nathnagar Police Station, Md. Sajjad Hussain, which was marked Ext.-P3/PW-4.

In his cross-examination put by the defence, he stated that he had not conducted any investigation in the present case. He further stated that he had retired immediately after taking over the charge of investigation. He admitted that the signatures appearing on the aforesaid exhibits were not made in his presence and that he had got the aforesaid exhibits marked only on the basis of identification of the handwriting and signatures.

14. **PW-5 Dr. Md. Farhan Ahmad Neyazi**, stated in his examination-in-chief that on 18.11.2020, he was posted as Senior Resident at J.L.N.M.C.H., Bhagalpur. On the same day at about 09:50 P.M., he examined Arvind



Mandal, aged about 40 years, son of Khokha Mandal, resident of Village Nasratkhani, P.S. Nathnagar, District Bhagalpur, and found the following injuries on his person:

- (i) Wound with sharp margin over the occipital region of scalp size 8 cm × ½ cm × ½ cm;
- (ii) Wound with sharp margin behind the left ear size 6 cm × ½ cm × ½ cm with profuse bleeding;
- (iii) Two deep lacerated wounds over back of left side of the chest size 3 cm × ½ cm × 2 cm and 2 cm × ½ cm × 2 cm with profuse bleeding;
- (iv) No blackening or tattooing around wounds.

He further stated that X-ray of the chest, skull vide Plate No. 957 dated 18.11.2020 revealed no bony fracture, as per radiologist, Department of Radiology, JLNMCH, Bhagalpur.

Nature of Injury:- Simple in nature.

Age of Injury:- Within 24 hours.

He further stated that the injury report had been typed by the official typist on his dictation and that it bore his signature and the seal of the department. The injury report was marked Ext.-P-4/PW-5.

In his cross-examination put by the defence, he stated that such injuries are not sufficient to cause death.

Argument of Prosecution

15. Learned P.P for the State submitted that the prosecution has examined five chargesheeted witness. The Court may pass appropriate judgment in the case.

Argument of Defence

16. Learned defence counsel submitted that PW-1 has not supported the prosecution case in material particulars and has admitted that he could not identify the assailant due to darkness. PW-2 and PW-3 have been declared hostile and have not supported the prosecution case. It was further argued that though PW-5 has proved the injury report, he has admitted in his cross-examination that such injuries are not sufficient to cause death. Thus, the medical evidence does not support the charge under Section 307 IPC. Accordingly, it was submitted that the prosecution has failed to prove the charge against the accused beyond reasonable doubt and therefore, the accused deserves acquittal.

17. I have carefully considered the submissions advanced on behalf of both the sides and have also gone through the oral as well as documentary evidence available on the record.



18. On the evidence as discussed, the principal question for determination is whether the prosecution succeeded in proving beyond reasonable doubt that accused Rupesh Kumar was the assailant and that he committed an offence punishable under Section 307 IPC.
19. The occurrence and injuries sustained by PW-1 are not in dispute. PW-1 has deposed that while proceeding towards the market, he was assaulted by a Bhujali and suffered injuries on his head and shoulder. His testimony finds corroboration from the medical evidence of PW-5, who found injuries on the head, behind the left ear and on the back of the chest. Thus, it stands established that PW-1 had sustained injuries in the occurrence.
20. However, proof of injuries alone is not sufficient. The prosecution is further required to prove the identity of the assailant and the culpability of the accused beyond reasonable doubt.
21. In the FIR, PW-1 Arvind Kumar Singh had specifically named accused Rupesh Kumar as the person who came from behind and assaulted him by means of a Bhujali. But when examined before the Court, PW-1 materially departed from his earlier version. He categorically stated that "someone" assaulted him and that after falling into the drain he found nobody present there. More importantly, he expressly denied the prosecution suggestion that he had stated in his fardbeyan that Rupesh Kumar had caused injuries to him. In his cross-examination, he further stated that due to darkness prevailing at about 7:30-8:00 P.M., he could not identify anybody and that the contents of the fardbeyan were never read over and explained to him. Thus, the maker of the FIR himself has not supported the prosecution case regarding the identity of the assailant.
22. PW-2 also did not support the prosecution version. He deposed that PW-1 was assaulted by an unknown person. Though declared hostile, nothing could be elicited in his cross-examination by the prosecution to establish that accused Rupesh Kumar was the assailant. He further stated that the contents of the fardbeyan were never read over and explained to him. Significantly, he failed to identify the accused in Court.
23. PW-3 likewise turned hostile, did not support the prosecution case and failed to identify the accused present in Court.
24. The evidence of PW-4 Upendra Sharma is a formal witness, is of no assistance to the prosecution. He admittedly did not conduct any investigation in the present case and merely proved the fardbeyan (Ext.-P2/PW-4), the first forwarding endorsement on the fardbeyan (Ext.-P2/1/PW-4), the second forwarding endorsement on the fardbeyan



(Ext.-P2/2/PW-4) and the endorsement regarding registration of the case on the fardbeyan (Ext.-P3/PW-4). In his cross-examination, he admitted that the signatures appearing on the aforesaid exhibits were not made in his presence and that he had got the exhibits marked only on the basis of identification of handwriting and signatures. Thus, his evidence is confined to the formal proof of documents and does not advance the prosecution case regarding the complicity of the accused. It is well settled that the substantive evidence is the testimony given before the Court and not the statement recorded during investigation. The fardbeyan can only be used for corroboration or contradiction. When the informant himself disowns the allegations contained therein and denies having named the accused as the assailant, the contents of the fardbeyan (Ext.-P2/PW-4) and the connected documents cannot by themselves be treated as substantive evidence to sustain conviction..

25. PW-5 Dr. Md. Farhan Ahmad Neyazi examined the injured and found injuries on his person. The injury report has been proved and marked as Ext.-P4/PW-5. The medical evidence establishes that the injured had sustained injuries in the occurrence. However, in his cross-examination, PW-5 specifically stated that such injuries were not sufficient to cause death. The doctor further opined that all the injuries were simple in nature and no bony fracture was found. Thus, the medical evidence only proves the factum of injuries. It does not establish who caused those injuries. Medical evidence is corroborative in nature and cannot fill the gap left by the failure of the ocular evidence regarding identification of the assailant. Consequently, the medical evidence does not connect the accused with the alleged occurrence.

26. The prosecution has therefore failed to establish beyond reasonable doubt that it was accused Rupesh Kumar who inflicted the injuries upon PW-1. The identity of the assailant remains unproved. Once the participation of the accused in the occurrence itself is not proved, the question whether the act amounted to an attempt to murder under Section 307 IPC does not arise for consideration.

27. Even otherwise, the medical evidence shows that all injuries were simple in nature. No fracture or injury dangerous to life was found. PW-5 in his cross-examination has categorically stated that such injuries were not sufficient to cause death. While the use of a sharp cutting weapon and injuries on vital parts may, in a given case, attract Section 307 IPC if intention or knowledge to cause death is established, in the present case such question becomes academic because the prosecution has failed at the



threshold to prove that the accused was the author of the injuries.

28. In view of the discussions made hereinabove, this Court finds that the prosecution has miserably failed to prove the charge under Section 307 IPC against accused Rupesh Kumar beyond all reasonable doubt. There is no reliable evidence on record connecting the accused with the alleged occurrence. Accordingly, the accused is entitled to the benefit of doubt and deserves acquittal.

Order

29. In the result, accused Rupesh Kumar is **acquitted** of the charge under Section 307 of the Indian Penal Code. Let the record be consigned to the Record Room after due compliance.

30. The judgment has been pronounced in open court under my hand and seal of this court on **08th day of June, 2026**.

(Dictated)

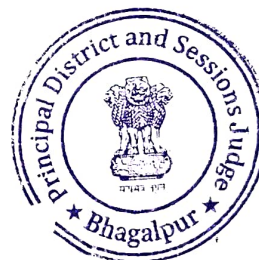
Dipankar Pandey 08.06.2026

Principal Sessions Judge, Bhagalpur

Dictated and corrected by me

Dipankar Pandey 08.06.2026
(Dipankar Pandey)

Principal Sessions Judge, Bhagalpur



FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Arvind Kumar Singh	Informant
PW2	Dinesh Mandal	Hostile
PW3	Savita Devi	Hostile
PW4	Upendra Sharma	I.O
PW5	Dr. Md. Farhan Ahmad Neyazi	Medical Officer

B. Defence Witnesses, if any:

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

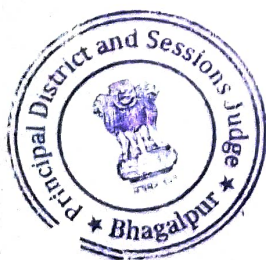
C. Court Witnesses, if any:

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

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1.	PW1-1	Signature of informant upon the fardbeyan.
2.	PW2-1	Signature of the witness Dinesh Mandal upon the fardbeyan.
3.	PW3-1	Signature of witness Savita Devi upon the fardbeyan
4.	P2/PW-4	Fardbeyan of informant Arvind Kumar Singh.
5.	P2/1/PW-4	First forwarding endorsement on the fardbeyan addressed to the Officer-in-Charge, Lalmatiya Police Station.
6.	P2/2/PW-4	Second forwarding endorsement on the fardbeyan
7.	P3/PW-4	Endorsement regarding registration of the case on the fardbeyan.
8.	P-4/PW-5	Injury report



Dipankar Pandey, Principal Sessions Judge, Bhagalpur
ST No. 06/2023, Nathnagar(Lalmatiya) PS Case No. 705/2020)
Rupesh Kumar Vs. State of Bihar
Date of Judgment :08-06-2026

B. Defence:

Sr. No.	Exhibit Number	Description
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C. Court Exhibits

Sr. No.	Exhibit Number	Description
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D. Material Objects:

Sr. No.	Material Object Number	Description
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Dipankar Pandey
08.06.2026

(Dipankar Pandey)

Principal Sessions Judge
Bhagalpur

Date of Judgment/Order	08.06.2026
Date of Reserving Judgment/ Order	03.06.2026
Uploading Date	15.06.2026
Uploaded by	Nitce Kumari