

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IV<sup>th</sup>  
Civil Court, Bhojpur (Ara), Bihar. 802301.  
Session Trial Case No. 332 of 2018  
Arising out of Chandi P.S. Case No. 83 of 2016

1. State of Bihar

..... Prosecution

Versus

1. Uma Shankar Chaurasiya, S/o- Lt. Sidhnath Chaurasiya

{Resident of Village- Velaur, P.S.- Udwantnagar, District- Bhojpur}

2. Setha Prasad Chaurasiya, S/o- Lt. Shiv Bachan Sah

{Resident of Village- Akhgaon, P.S.- Sandesh, District- Bhojpur}

..... Accused Persons.

Name of Police Station: Chandi

First Information Report No. – 83 of 2016

FIR Under Sections: 307, 120(B), /34 of I.P.C. & 27 of Arms Act.

Cognizance Under Sections:- 307, 302, 120(B), 34 of I.P.C. & 27 of Arms Act.

Committed on: 18.09.2018

District: - Bhojpur

Charges framed under Sections:- 302, 120(B), 34 of I.P.C and 27 of Arms Act.

Learned Counsel for the State : Sri Ram Prasad Ram, Learned A.P.P.

Learned Counsel for the Accused persons : Sri Arbind Singh & ors, Ld. Advocate(s)

**Date of Judgement:- 11<sup>th</sup> day of March, 2026**

**Present: Manoranjan Kumar Jha,**  
Additional Sessions Judge - IV<sup>th</sup>,  
Bhojpur at Ara.

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

1. In the present Session Trial, arising out of Chandi P.S. Case No. 83 of 2016, the aforementioned accused persons namely, Uma Shankar Chaurasiya and Setha Prasad Chaurasiya are charged punishable under sections 302, 120(B), 34 of I.P.C and 27 of Arms Act.
2. The prosecution case, in brief, as per the fardbayan of the informant Sushil Kumar is that on 14.09.2016 at around 03:15 PM while the informant Sushil, his brother Suman Kumar and one his relative Prakash Kumar were conversing near the Jalpura intersection, the two accused Krishna Prasad Chaurasiya and Setha Prasad Chaurasiya arrived on a motorcycle accompanied by two other individuals and began indiscriminately firing at informant's brother Suman Kumar, using pistols they held in their hands which caused multiple gunshot injury on his brother Suman's body. Subsequently, the accused fled the scene on the motorcycle.
3. On the basis of the fardbayan of the informant-Sushil Kumar, the Police registered FIR bearing number Chandi P.S. Case No. 83 of 2016 against the above named accused persons under sections 307, 120(B), 34 of I.P.C. & 27 of Arms Act.

4. After investigation the police submitted the charge-sheet against the above named accused persons namely, Uma Shankar Chaurasiya and Setha Prasad Chaurasiya and Krishna Prasad Chaurasiya and after that learned Lower Court, Ara took cognizance against above named accused persons under sections 307, 302, 120(B), 34 of I.P.C. & 27 of Arms Act. After cognizance, the case of accused persons committed to the Court of Sessions vide order dated 18.09.2018 and during course, instant sessions case was transferred to this court for trial and disposal.
5. On 01.02.2019, the charge has been framed against the accused persons namely Krishna Prasad Chaurasiya punishable under sections 302, 120(B), 34 of I.P.C. & 27 of Arms Act and on 06.03.2021, the charge has been framed against the rest accused persons namely, Uma Shankar Chaurasiya and Setha Prasad Chaurasiya punishable under sections 302, 120(B), 34 of I.P.C. & 27 of Arms Act. The court explained accusations to the accused persons in Hindi to which they denied the charges and claimed trial. Hence, the case was put to trial and file was put up for prosecution evidence. In due course of trial one accused namely Krishna Prasad Chaurasiya died and accordingly proceeding dropped against him.
6. The accused persons were put on trial. Upon framing charge, the file was posted for recording prosecution evidence, oral as well as documentary. From bare perusal of case record as well as charge-sheet, it transpires that the prosecution has examined altogether **five** witnesses.
7. After closure of prosecution evidence, the statement of accused namely Uma Shankar Chaurasiya and Setha Prasad Chaurasiya were recorded under section 313 of Cr.P.C. on 02.03.2026 to which they denied and claimed their innocence. Thereafter, the record was fixed for defence evidence but no defence evidence was produced on behalf of the accused persons.

**Point for determination**

- (1) Whether the accused persons are guilty of the offence **u/s 302, 120(B), 34 of I.P.C and 27 of Arms Act?**

**Evidence**

8. In support of its case the prosecution has examined as many as **05** witnesses namely PW-1 Sabita Devi, PW-2 Sushil Kumar, PW-3 Rajesh Kumar, PW-4 Ashok Kumar @ Ashok Singh, and PW-5 Ram Bihari Prasad @ Ram Bihari Chaurasiya and **Exhibit, P-1** signature of informant Sushil Kumar and **Exhibit, P-1/1** signature of Prakash Kumar on fardbayan.
9. **PW- 2 Sushil Kumar** is the informant of this case and the witness deposed that the occurrence took place on 14.09.2016 at around 03:30 P.M. at the day time when he was going to Ara station from his house with his nephew

Prakash Kumar and when he reached at Jalpura mor and started talking with his brother Suman Kumar Chaurasiya then 4 accused came there on 2 motorcycles and started indiscriminate firing on his brother and the bullet struck him in the head and hand. The witness further deposed that his brother was taken to the Sadar Hospital Ara where his brother passed away on 17.09.2016 during the course of treatment. The witness admitted that he had seen the accused firing the shots, but all of them had covered their faces with cloth. The witness admitted that he had not identified the accused firing the shots. The witness identified the accused present in the court on the basis of being his family members. The witness identified his signature on the fard-bayan and on identification marked as **Exhibit-1**. The witness also identified his nephew Prakash's signature on the fard-bayan and on identification marked as **Exhibit-1/1**.

In his cross-examinations, the witness admitted the fact that he is deposing first time in the court and he came in the court on summons. The witness further stated that Setha Prasad, Krishna Prasad and Uma Prasad Chaurasiya were in no manner involved in the alleged occurrence while these people were helping and continuously provided assistance during the course of his brother's treatment and they were remained present at the hospital.

**10. PW-1 Sabita Devi** is the wife of deceased Suman Chaurasia who deposed that at the time of alleged occurrence she was busy in household work and she was informed about the alleged occurrence that her husband was shot dead. The witness further stated that she has no information even till today as to the accused who made firing upon her husband.

In her cross-examinations, the witness stated that the accused of this case having no role in murder of her husband.

**11., PW-3 Rajesh Kumar, PW-4 Ashok Singh and PW-5 Rambihari Chaurasia** have not supported the case of the prosecution and were declared hostile.

#### **Analysis of Evidence**

**12. Learned counsel for the accused persons** submits that this is a case of virtually no evidence against the accused persons inasmuch as none of the witnesses have supported the case of the prosecution. Further submitted that none of the witnesses have seen the accused firing upon the deceased nor have information as to the fact that the accused of this case having any role in the alleged occurrence. Further the prosecution even failed to examine even I.O/doctor in support of his case and none of the witness had stated anything against the accused so as to believe the story propounded by the prosecution. Therefore, it is submitted that the prosecution has failed to established its case beyond any shadow of doubt.

**13. Ld. P.P. for the state** submitted that though the witnesses have made statement to save the accused but there is ample material on record to establish its case.

**14.** The court has gone through the record. In support of its case, the prosecution has examined 5 witnesses. It reflects that witnesses produced on behalf of the

prosecution have neither corroborated the case of the prosecution nor made specific accusation against the accused in the alleged firing. It further reflects that neither the informant nor any of the witnesses have stated anything about involvement of the accused in this case. Further the informant had specifically stated that these accused were the person who was assisting him in taking body to the hospital and they were present throughout the processes of the hospital. Further the prosecution has neither examined I.O. to establish the F.I.R. nor the doctor to prove the injury and as such the story propounded by the prosecution remained unexplained. Moreover, the witnesses of the prosecution have completely denied the story and content of the FIR, there is no corroboration of any fact before the court to find force in the submissions of the ld. P.P. or to believe the story propounded by him.

15. Considering the evidence in its entirety and bearing in mind the principles that the prosecution is duty bound to establish its case by way of oral and documentary evidence and in the case in hand where the prosecution has miserably failed to brought on record any credible piece of evidence and as such and in absence of any reliable/corroborative evidence, the court is of the opinion that the prosecution has miserably failed to establish the case beyond shadow of any doubt.
16. Consequently, the prosecution has, therefore, failed to prove the charges against accused persons namely, **Uma Shankar Chaurasiya and Setha Prasad Chaurasiya** beyond reasonable doubt.

#### ORDER

**In view of the above, this court is of the opinion that the prosecution has failed to establish the offences u/s 302, 120(B), 34 of I.P.C and 27 of Arms Act against the accused persons namely, Uma Shankar Chaurasiya and Setha Prasad Chaurasiya. Accordingly, the accused persons are acquitted from the charges labeled against them and set at liberty forthwith.**

**A copy of this judgment be sent to District Magistrate, Bhojpur.**

**A free copy of the judgment be furnished.**

**Given under the hand and seal of this Court.**

This judgment has been corrected, signed and pronounced by me on 11<sup>th</sup> day of March, 2026 in open court.

**Dictated**

**(Sri Manoranjan Kumar Jha)  
Addl. Sessions judge-IV<sup>th</sup>  
Bhojpur at Ara.  
Dated- 11<sup>th</sup> day of March, 2026**

**(Sri Manoranjan Kumar Jha)  
Addl. Sessions judge-IV<sup>th</sup>  
Bhojpur at Ara.  
Dated- 11<sup>th</sup> day of March, 2026**

**Appendix**  
**Witnesses Examined**

<b>On behalf of Prosecution</b>	
PW-01	Sabita Devi
PW-02	Sushil Kumar (Informant of this court)
PW-03	Rajesh Kumar
PW-04	Ashok Kumar @ Ashok Singh
PW-05	Ram Bihari Prasad @ Ram Bihari Chaurasiya

<b>On behalf of Defence</b>	
Nil	Nil

**Document exhibited**

<b>On behalf of prosecution</b>	
Exhibit-1	Signature of informant Sushil Kumar on fardbayan.
Exhibit-1/1	Signature of Prakash Kumar on fardbayan.

<b>On behalf of Defence</b>	
Nil	Nil