

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IV<sup>th</sup>  
Civil Court, Bhojpur (Ara), Bihar. 802301.  
Session Trial Case No. 458 of 2023  
Arising out of Charpokhari P.S. Case No. 83 of 2015

State of Bihar

..... Prosecution

Versus

**Bhuteli Ram, S/o Shyam Lal Ram**

{Resident of Village: Chandi, P.S. Charpokhari, District- Bhojpur}

..... Accused Person.

Name of Police Station: Charpokhari

First Information Report No. – 83 of 2015

FIR Under Sections: 302/34 of I.P.C. & 27 of Arms Act.

Cognizance Under Sections:- 302/34 of I.P.C. & 27 of Arms Act.

Committed on: 20.05.2023

District:- Bhojpur

Charges framed under Sections:- 302/34 of I.P.C. & 27 of Arms Act.

Learned Counsel for the State

: Sri Ram Prasad Ram, Learned A.P.P.

Learned Counsel for the Accused Person : Sri Arun Kumar Singh Advocate.

**Date of Judgement:- 16<sup>th</sup> 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 Charpokhari P.S. Case No. 83 of 2015, the aforementioned accused namely, **Bhuteli Ram** is charged punishable under sections 302/34 of I.P.C. & 27 of Arms Act.
2. The prosecution case, in brief, as per the fard-bayan of the informant Jibodhan Singh is that on 16.03.2015 at around 08:00 P.M., he heard the noise that Mintu Paswan has been shot and on halla informant and his family members came out of his house and at the same time 04-05 persons came at his door armed with country made pistol started abusing and fired upon his son Chandan Yadav who succumbed to injury while being taken to the hospital.
3. On the basis of the fard-bayan of the informant-Jibodhan Singh, the Police registered F.I.R. bearing number Charpokhari P.S. Case No. 83 of 2015 against the above named accused.
4. After investigation the police submitted the charge-sheet against the above named accused namely, **Bhuteli Ram** and after that Ld. Lower Court, Ara took cognizance against above named accused under sections 302/34 of I.P.C. After cognizance, the case of accused committed to the Court of Sessions vide order dated 20.05.2023 and during course, instant sessions case was transferred to this court for trial and disposal.
5. On 29.11.2023, the charge has been framed against the above named accused **Bhuteli Ram** punishable under sections 302/34 of I.P.C. & 27 of Arms Act. The

court explained accusations to the accused in Hindi to which he denied the charges and claimed trial. Hence, the case was put to trial and file was put up for prosecution evidence.

6. The accused was 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 **two** witnesses.
7. After closure of prosecution evidence, the statement of accused namely, **Bhuteli Ram** was recorded under Section 313 of Cr.P.C. on 27.02.2026 to which he denied and claimed his innocence. Thereafter, the record was fixed for defence evidence but no defence evidence was produced on behalf of the accused.

#### **Point for determination**

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

#### **Evidence**

8. In support of its case the prosecution has examined as many as **02** witnesses namely PW-01 Jibodhan Singh (Informant) and PW-02 Ganesh Yadav.
9. **PW- 01 is Jibodhan Singh (Informant)** who has deposed that the occurrence took place before 15-16 years ago at about 09:00 P.M. at that time he was at his field and heard that his son Chandan was shot. His son was died while being taken to the hospital and the witness identifies his signature on the fard-bayan given before Police which is marked as **Exhibit-01**.  
**In his cross-examinations**, the witness deposed that application was written by someone else and he signed without reading. The witness further stated that Bhuteli Ram is innocent and the police never took his statement during investigation.  
**PW- 02 Ganesh Yadav** who has deposed that on the day of alleged occurrence, there was fighting and during that firing took place by which his brother Chandan Kumar sustained gun shot injury and died on the spot. The witness further deposed that he did not see anyone who fired.  
**In his cross-examinations**, the witness deposed that police never took his statement and he is deposing voluntarily.

#### **Analysis of Evidence**

10. **Learned counsel for the accused** submits that this is a case of virtually no evidence against the accused person in as much as none of the witnesses have supported the case of the prosecution. Further submitted that neither victim/informant has supported the case nor I.O./Doctor had been examined on behalf of the prosecution and as such neither injuries were proved before the court nor the F.I.R. was proved. Therefore, it is submitted that the prosecution has failed to established its case beyond any shadow of doubt.
11. Ld. P. P. for the state submitted that the witnesses have though not supported the case but there is ample evidence on record which establishes that the accused had committed the offence.

12. The court has gone through the record. In support of its case, the prosecution has examined 02 witnesses. It reflects that PW-01 is the father of the deceased namely, Chandan Kumar who had not seen anyone firing upon his son and PW-2, the brother of the deceased had specifically admitted that he had not seen anyone firing upon his brother namely Chandan Kumar. It further reflects that the prosecution even failed to examine I.O. and doctor so as to establish the injury allegedly sustained by the victim and to prove the F.I.R./fard-bayan. It further reflects that none of the witnesses has seen the alleged occurrence or claims to be eye witness. Further PW-1 had also stated that he had signed on the fard-bayan without reading the same while it was written by someone else. The evidence as produced by the prosecution appears to be insufficient. Moreover, absence of medical report and the identification of F.I.R./fard-bayan cast shadow of doubt upon the version of the prosecution and I find merit that in absence of these document no case is made out against the accused for which he is charged.
13. 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 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.
14. Consequently, the prosecution has, therefore, failed to prove the charges against accused persons namely, **Bhuteli Ram** 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 302/34 of I.P.C. & 27 of Arms Act against the accused namely, Bhuteli Ram. Accordingly, the accused is acquitted from the charges labeled against him 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 16<sup>th</sup> of March, 2026 in open court.

**Dictated**

**(Sri Manoranjan Kumar Jha)  
Addl.Sessions judge-IV<sup>th</sup>  
Bhojpur at Ara.  
Dated- 16<sup>th</sup> of March, 2026**

**(Sri Manoranjan Kumar Jha)  
Addl.Sessions judge-IV<sup>th</sup>  
Bhojpur at Ara.  
Dated- 16<sup>th</sup> of March, 2026**

**Appendix**  
**Witnesses Examined**

<b>On behalf of Prosecution</b>	
PW-01	Jibodhan Singh (Informant)
PW-02	Ganesh Yadav

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

**Document exhibited**

<b>On behalf of prosecution</b>	
Exhibit-1	Signature of P.W.-02 on written application

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