

FORM A

In the Court of 1st Additional Sessions Judge, Bhojpur at Ara

Present:-

Sri Sailendra Kumar Panda , B.S.J.S.
LL.M.

1st Additional Sessions Judge.
Bhojpur at Ara.

Ara, Dated 6th June, 2026.



S.C/ S.T. Case No.107/2024.

(Koilwar P.S.Case No-247/24 dated 05.06.2024)

BRBJ010163132024

Complainant.	State of Bihar (Informant – Shailesh Paswan)
REPRESENTED BY	Ld.Sp.P.P.Satyendra Kumar Singh.
Accused No.1.	Karia Mahato @ Satya Prakash Kumar, aged about 27 yrs, S/o Kamta Pd Singh. Resident of village- Ibrahim nagar, P.S.-Ara Town, District-Bhojpur.
Accused No.2.	Rahul Kumar Singh, aged about 22 yrs, S/o Kamta Rrasad Yadav. Resident of village- Ahirpurwa, P.S.-Ara Town, District- Bhojpur.
Accused No.3.	Nakul Mahto, aged about 27 yrs, S/o Lalan Mahto. Resident of village- Jamira, P.S.- Ara, Town, District- Bhojpur.
REPRESENTED BY	Ld.Adv.

FORM B

Date of Offence	04.06.2024.
Date of FIR	05.06.2024.
Date of Charge sheet	22.10.2024.
Date of Framing of Charges	18.11.2024.
Date of commencement of evidence.	05.02.2025., 16.04.2026., 15.05.2026., 18.05.2026.,
Date on which judgment is reserved	No.
Date of the Judgment	06.06.2026.
Date of Sentencing Order, if any	N,A,

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 Undergoing during Trial for purpose of section 428Cr.P.C.
1.	Karia Mahto	5 ⁸ / ₂₄	10 ¹² / ₂₄	302/120B/34 IPC R/W 3(2)(v) SC/ST Act.	Acquitted	N.A.	N.A.
2.	Rahul Kumar Singh.	18 ⁸ / ₂₄	17-3-25	302/120B/34 IPC R/W 3(2)(v) SC/ST Act	Acquitted	N.A.	N.A.
3.	Nakul Mahto.	7 ⁹ / ₂₄	30-1-25	302/120B/34 IPC R/W 3(2)(v) SC/ST Act.	Acquitted	N.A.	N.A.

PROSECUTION WITNESSES :

RANK	NAME	NATURE OF EVIDENCE
P.W.1	Dr.Ravi Ranjan.	Medical officer.
P.W.2	Shailesh Paswan.	Informant/Hearsay witness.
P.W.3	Ashok Paswan.	Hostile witness.
P.W.4	Rahul Kumar.	Hostile witness.
P.W.5	Narottam Chand.	Investigating officer.

B. DEFENCE WITNESSES : No.

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LIST OF EXHIBITS

Prosecution.

Sr.No	Exhibit Number	Description
1.	Ext.P-1	Signature of the M.O. in the P.M. report by P.W.1.
2.	Ext.P-2	Signature of the informant in the FIR by P.W.2.
3.	Ext.P-3	Signature of Jogendra Prasad by P.W.5.
4.	Ext.P-4	Signature of I.O. in the FIR as SHO by P.W.5.
5.	Ext.P-5.	Signature of I.O. in the seizure list by P.W.5.
6.	Ext.P-6.	Inquest report by P.W.5.
7.	Ext.P-7.	Signature of the I.O. in the charge sheet by P.W.5.

Defence :- No.

JUDGMENT

1. The accused persons namely (1) Karia Mahto, (2) Rahul Kumar Singh and (3) Nakul Mahto stood charged to face for their trial of offence punishable U/s.302/120B/34 I.P.Code and R/W 3(2)(v) SC & ST (Prevention of Atrocities) Act.

2. The case of the prosecution in short by the informant namely Shailesh Paswan is that on dated 04.06.2024 at about 8.30 P.M. a what's up call came to his brother Mithilesh Paswan from the mobile of Tanu Mishra @ Chanda Mishra. On the instruction of his brother Mithilesh Paswan, both went to the bridge of Dharhara. His brother called to Rahul Kumar and Rahul Kumar arrived their immediately. He, his brother Mithilesh and Rahul Kumar reached near the house of Tanu Mishra @ Chanda Mishra. As per direction of his brother, he and Rahul Kumar returned back and his brother entered into the house of Tanu Mishra @ Chanda Mishra. His brother had entered into the house of Tanu @ Chanda Mishra at about 9.16 P.M. He reached at his house at 9.30. P.M. He received phone call at about 10.45 P.M. from Vikki @ Radhe Yadav that someone killed his brother by firing and threw him on the road of Sakdi-Chandi. Police took him to Sadar Hospital, Ara. He and his entire family reached at the hospital and found his brother Mithilesh died. His brother had love relationship with Tanu @ Chanda Mishra. Tanu @ Chanda Mishra had kept love relationship with Gorakh Mohta and for which a dispute took place in between Gorakh Mohta and his brother Mithilesh Paswan. Due to this love relation, on the instruction of Tanu Mishra, (1)Gorakh Mohta, (2)Kariya Mahto, (3)Rahul Yadav, (4) Vikki Mohta, (5)Nakul Mohta and (6) Ajit Mahto in all jointly killed his brother by shot fired.

3. On receipt of the aforesaid written report, a police case was registered vide Koilwar P.S.Case No- 247 dated 05.06.2024 of offence punishable U/s.302/120B IPC and 27 Arms Act R/W U/s.3(2)(v) of SC & ST (Prevention of Atrocities) Act against 7 accused persons namely (1) Tanu Mishra, (2)Gorakh Mohta, (3)Kariya Mahto, (4)Rahul Yadav, (5) Vikki Mohta, (6)Nakul Mohta and (7) Ajit Mahto. Police caused investigation into the same. During investigation, police(I.O.) visited to the spot, recorded the statements of the informant and witnesses, prepared seizure list, inquest over the dead body and collected the P.M. report. After completing investigation, police submitted charge sheet i.e. vide C.S.No- 277/24 dated 22.10.2024 of offence U/s.302/ 120B IPC R/W U/s.3(2)(v) of SC & ST (Prevention of Atrocities) Act against three accused persons namely (1) Kariya Mahto, (2)Rahul Kumar @ Rahul Yadav and (3) Nakul Mohta finding the fact is true, keeping pending investigation against other accused persons.

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4. The learned Court took cognizance of offences punishable U/s.302, 120(B), I.P.Code and read with U/s.3(2)(v) SC & ST. (Prevention of Atrocities) Act on dated 13.11.2024 and thereafter furnished/supplied relevant copies i.e. police papers. to the accused persons required as per statutory provision.

5. Upon consideration of the materials on record as well as relevant documents and after hearing the submissions of the learned counsel of the party on the point of consideration of charge, finding the ground for presuming that the accused persons namely (1) Kariya Mahto, (2)Rahul Kumar @ Rahul Yadav and (3) Nakul Mohto have committed offences U/s. 302/120B/34 IPC and 3(2)(v) SC/ST Act, framed formal charges on dated 18.11.2024 against them. Accusation of the said charges read over and explained to the three accused persons, to which, they pleaded not guilty and claimed to be tried.

6. During the course of trial, five (5) witnesses including the informant, had examined and cross-examined. Prosecution exhibited some documents.

On the other hand to negate the prosecution case, the defence neither examined any witness nor exhibited any documents to prove their innocence in the aforesaid case.

7. The accused persons have in their statements U/s.313 Cr.P.C. only denial the occurrence and pleaded innocence.

8. The point for consideration before this Court is whether the prosecution has been able to prove the charges leveled against the accused persons beyond all reasonable doubts ?

9. P.W.1. Dr.Ravi Ranjan stated in his examination-in-chief that on dated 05.06.2024 he was posted as M.O. in Sadar Hospital, Ara. On the very day at 1.30 P.M. he conducted the post-mortem examination on the dead body of Mithilesh Paswan. He found the following anti-mortem injuries over the dead body.

External examination :-

Following entry wounds found.

- (i) On left side of lower part of chest of size 1/3 inch X 1/3inch cavity deep 11 inch below and 1 inch lateral to left nipple.
 - (ii) On left lower chest of size 1/3 inch X 1/3inch cavity deep 3 1/4 inch lateral to injury No-1 Mentioned above.
 - (iii) On the upper abdomen of size 1/4 inch X 1/4 inch cavity deep 1 inch lateral to lower part of sternum(On the left side of abdomen).
 - (iv) On the upper chest of size 1/4 inch X 1/4 inch cavity deep 1/4 inch lateral to mid line.
 - (v) On the left side of upper part of chest of left size 1/2 inch lateral to mid line of size 1/2 inch X 1/2 inch cavity deep.
 - (vi) On the middle part of lower abdomen 4 inch below umbilicus of size 1/2 inch X 1/4 inch cavity deep.
 - (vii) On the right side of lower part of abdomen of size 3/4 inch X 1/4 inch cavity deep.
 - (viii) On postero-lateral part of right side of abdomen 5 1/2 inch above iliac crest of size 1/3 inch X 1/3 inch deep cavity.
 - (ix) On right posterior parietal area of scalp(head) of size 1/3 inch X 1/3 inch cavity deep.
- AND exist wound of size 1/3 inch X 1/3 inch right side of chest 2 1/2 below right nipple with profuse bleeding and irregular averted margins.

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On Dissection :-

Intracranial cavity found filled with blood and cots with gross damage of brain.
Chest cavity found filled with blood and clots.
Both lungs and heart found grossly damaged. Both chambers of heart found empty.
Admiral cavity found filled with blood and clots.
Liver, spleen, small and large intestines found teared at multiple area.
Stomach contained semi digested food material.
Urinary bladder found empty.
Multiple tears of omentum found in abdomen.
Four (4) bullets recovered from inside body and handed over to accompanying chowkidar in a sealed glass container.

Cause of death :- Shock and hemorrhage due to above mentioned injuries.

The post-mortem report is prepared by him bears his signature. His signature marked as Ext.P-1.

During cross-examination of defence, he stated that he can't say the firing occurred from near or far. Nine shot firing injury found on the body of deceased. Four bullets recovered only. He denied that he did not conduct the post-mortem examination properly.

10. **P.W.2. Shailesh Paswan** stated in his examination-in-chief that he is the informant in this case. His fardbayan was recorded on dated 05.06.2024. A what's up call came from Tanu @ Chanda Mishra to his brother Mithilesh Paswan on dated 04.06.2024 at 8.30 P.M. His brother instructed him to drop him off at Anand nagar. He, Rahul Kumar and Mithilesh went near to the bridge of Darhara. His brother entered into the house of Tanu @ Chanda Mishra. He and Rahul returned back. Vikki Yadav stated him that someone shot fired Mithilesh Paswan and threw him on the road of Sakdi-Chandi. Tanu Mishra had love relation with Chhotu Mishra. She kept relation with Gorakh Mohto after Chhotu sent to jail. Tanu Mishra called his brother cunningly to her house. Gorakh Mohto, Kariya Mohto, Rahul Yadav, Vikki Mohto, Nakul Mohto and Ajit Mohto all jointly killed his brother on shot firing. He identified his signature in the FIR and the same marked as Ext.P-2. He did not identify the accused persons.

During the cross-examination of defence, he stated that he has no knowledge till date about how his brother was died. He has no knowledge the contents of the FIR. He deposed before this Court voluntarily.

11. **P.W.3. Ashok Paswan** stated in his examination-in-chief that he has no knowledge about the occurrence. Police have not recorded his statements. He did not identify the accused persons. Prosecution declared him hostile. He denied that he stated before police. He denied that he suppressed the true facts on the collusion with the accused persons. He denied that he deposed falsely.

During cross-examination of defence, he stated that he voluntarily deposed this Court.

12. **P.W.4. Rahul Kumar** stated in his examination-in-chief that he has no knowledge about the occurrence. Police have not recorded his statements. He did not identify the accused persons. Prosecution declared him hostile. He denied that he stated before police. He denied that he suppressed the true facts on the collusion with the accused persons. He denied that he deposed falsely.

During cross-examination of defence, he stated that he voluntarily deposed this Court.

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13. **P.W.5. Narottam Chand** (I.O.) stated in his examination-in-chief that he was posted on dated 05.06.2024 as SHO as Koilwar P.S. On that date he recorded the fardbayan from Shailesh Paswan. He registered a case i.e. Koilwar P.S. Case No.247/24. His signature found on the endorsement and identified the same, marked as Ext.P-2. He identified the signature of Jogendra Prasad and the same marked as Ext.P-3. He identified his signature in the formal FIR as a SHO of the P.S. The same marked as Ext.P-4. Seizure list was prepared on the same date. Four bullets were recovered. He identified his signature in the seizure list and marked the same as Ext.P-5. He recorded the inquest report in his case diary. The inquest report was marked as Ext.P-6. The dead body of the deceased was found, 4 K.M. from Koilwar P.S. on the road going to Chandi. Subhas Kumar Mandal submitted charge sheet vide C.S.No-277/24 dated 22.10.2024 against three accused persons namely **(1) Kariya Mahto, (2)Rahul Kumar @ Rahul Yadav and (3) Nakul Mohto**. He identified the signature and handwriting of Subhas Kumar Mandal in the charge sheet. The same marked as Ext.P-7.

During cross-examination of defence, he stated that he did not found any witnesses of the place of occurrence. He denied that he did not investigate the case properly and submitted the charge sheet falsely.

14. This being the state of evidence of the prosecution witnesses, it is now required to analysis the entire evidence on record. In this case P.W.2 is the informant. He is the brother of the deceased and the author of the case. Hence, hereby discuss/analysis below, his fardbayan and his evidence at first.

15. The informant stated in his fardbayan before police that, on dated 04.06.2024 at about 8.30 P.M. a what's up call came to his brother Mithilesh Paswan from the mobile of Tanu Mishra @ Chanda Mishra. On the instruction of his brother Mithilesh Paswan, both went to the bridge of Dharhara. His brother called to Rahul Kumar and Rahul Kumar arrived their immediately. He, his brother Mithilesh and Rahul Kumar reached near the house of Tanu Mishra @ Chanda Mishra. As per direction of his brother, he and Rahul Kumar returned back and his brother entered into the house of Tanu Mishra @ Chanda Mishra. His brother had entered into the house of Tanu @ Chanda Mishra at about 9.16 P.M. He reached at his house at 9.30. P.M. He received phone call at about 10.45 P.M. from Vikki @ Radhe Yadav that someone killed his brother by firing and threw him on the road of Sakdi-Chandi. Police took him to Sadar Hospital, Ara. He and his entire family reached at the hospital and found his brother Mithilesh died. His brother had love relationship with Tanu @ Chanda Mishra. Tanu @ Chanda Mishra had kept love relationship with Gorakh Mohta and for which a dispute took place in between Gorakh Mohta and his brother Mithilesh Paswan. Due to this love relation, on the instruction of **Tanu Mishra, (1)Gorakh Mohto, (2)Kariya Mahto, (3)Rahul Yadav, (4) Vikki Mohto, (5)Nakul Mohto and (6) Ajit Mahto** in all jointly killed his brother by shot fired.

16. The matter of surprise is that, this informant being the brother of the deceased changed his testimonies during evidence before Court. He stated during evidence that he has no knowledge about the contents of the FIR. He only put his signature. Further he stated that he has no knowledge till date that how his brother was died. He also did not identify the accused persons. This witness deviated and did not support the case of the prosecution. His evidence not helpful to the case of the prosecution.

17. In this case, P.W.3 and P.W.4 are completely hostile, have no knowledge about the occurrence. Police did not record their statements and they did not identify the accused persons. In this way, both the witnesses i.e. P.W.3 and P.W.4 did not support the case of the prosecution.

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18. P.W.5 is the I.O. P.W.1 is the medical officer. Both the witnesses are hearsay witnesses. P.W.1 only conducted the post-mortem report. He has no personal knowledge of the case. Similarly P.W.5 is the I.O. only submitted charge sheet. Hence, his evidence will not supportive to the case of the prosecution. The name of the accused persons could not come out from the mouth of any of the witnesses. Nothing recovered from the possession of accused persons. No one saw the accused persons committed the occurrence. There is neither any direct nor circumstantial evidence available against the accused persons namely (1) Kariya Mahto, (2)Rahul Kumar @ Rahul Yadav and (3) Nakul Mohto. Hence, the evidences of these witnesses is not helpful to the case of the prosecution.

19. On strict perusal of the evidences of the witnesses, the case of the prosecution has not got any success to prove its case as the informant and other witnesses did not disclose the name of accused persons in their evidence. Hence prosecution absolutely failed to prove his case against the accused persons namely (1) Kariya Mahto, (2)Rahul Kumar @ Rahul Yadav and (3) Nakul Mohto.

20. It is pertinent to mention that prosecution case cannot stand basing any imaginary story. It should passed through the touch stone of credibility. In this case there is no any single evidence found against the accused person. No one has seen the occurrence of murder. The informant also changed his version during evidence. Neither any direct nor any circumstantial evidence available against this accused persons. In this way prosecution miserable failed to prove the case

21. Thus, on a conspectus of the evidence on record, this Court comes to the conclusion that ,prosecution absolutely failed to prove its case against the accused persons namely (1) Kariya Mahto, (2)Rahul Kumar @ Rahul Yadav and (3) Nakul Mohto. of offences U/s.302/120B/34 I.P.Code and R/W 3(2)(v) SC & ST (Prevention of Atrocities) Act beyond reasonable doubt. For which the accused persons namely (1) Kariya Mahto, (2)Rahul Kumar @ Rahul Yadav and (3) Nakul Mohto found not guilty of offence U/s.302/120B/34 I.P.Code and R/W 3(2)(v) SC & ST (Prevention of Atrocities) Act, So they are acquitted U/s.235(1) Cr.P.C.

The acquitted persons namely Kariya Mahto and Nakul Mahto are on during trial. The acquitted person namely Rahul Kumar is on custody during trial. They all be set at liberty forthwith.

The judgment is pronounced in the open Court today on this 6th the day of June 2026 given under my hand and seal of this Court.

Typed & corrected by me.

Sailendra Kumar Panda
1st Addl. Sessions Judge.
Bhojpur at Ara.
6-6-2026

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1st Addl. Sessions Judge,
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