

IN THE COURT OF DISTRICT & ADDITIONAL SESSION JUDGE-II JAMUI
Session Trial No. 371/2022, CIS No. 371/2022
(Chakai P.S case no.-138/2010)

Present :- Sudhir Sinha

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Sudhir Sinha

District & Addl. Sessions Judge-II
Jamui

Date of Judgment:- 22.06.2026

S.Tr. No.-371/2022

Police Station :- Chakai

PS Case No. :- 138/2010

Under Section :- 4/5 Explosive Substance Act

State (Through Informant Santosh Kumar)

..... Prosecution.

V.

1. Balmukund Pandey

.....Accused

Counsel for the State:-

Sh. Manoj Kumar Singh, Addl.P.P.

Counsel for the Defence:-

Sh. Abhay Kishore Prasad, Panel Advocate,
through D.L.S.A

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FORM B

Date of Offence	27.10.2010
Date of F.I.R.	27.10.2010
Date of Framing of charge	26.07.2022
Date of commencement of evidence	06.08.2022
Date on which judgment is reserved	08.06.2026
Date of the judgment	22.06.2026
Date of the sentencing order, if any	--

Accused details:

Rank of the accused		
Name of the accused/ Date of arrest.	Balmukund Pandey	21.10.2020
Date of release on bail	Balmukund Pandey	In Custody
Offences Charged with	Balmukund Pandey	4/5 Explosive Substance Act
Whether acquitted or convicted	Balmukund Pandey	Acquitted
Sentence imposed	----	
Period of detention undergone during trial for purpose of Section 428 Cr.P.C.	Balmukund Pandey	5 years 8 months 1 day

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FORM C

A. Prosecution

Rank	Name	Nature of evidence
PW-1	Navin Pandey	Seizure list witness
PW-2	Dinesh Pandey	Seizure list witness
PW-3	Pankaj Pandey	Seizure list witness
PW-4	Aziz Miyan	Choukidar 8/10
PW-5	Dhananjay Pandey	Villager
PW-6	Kheman Yadav	Villager
PW-7	Kali Yadav	Villager
PW-8	Durgesh Ram	I.O

Defence witnesses, if any:

Rank	Name	Nature of evidence
DW-1	None	None

Court witnesses, if any

Rank	Name	Nature of evidence
CW-1	None	None

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION:-

Sr.No.	Exhibit No.	Description
1.	Ext. P1	The signature of witness on seizure list
2.	Ext. P1/1	The signature of witness on seizure list
3.	Ext. P1/2	The signature of witness on seizure list

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4.	Ext. P1/3	The signature of P.S.I on seizure list
5	Ext. P2	The Signature of S.H.O over written information
6	Ext. P2/1	The endorsement over written information

B. DEFENCE:

Sr. No.	Exhibit No.	Description
1.	Nil	Nil

C. Court Exhibit

Sr. No.	Exhibit No.	Description
1.	Nil	Nil

D. Material Objects:

Sr. No.	Material Object No.	Description
1.	Nil	Nil

JUDGMENT

1. The accused Balmukund Pandey stands tried for offences of unlawfully and maliciously making, possessing, or controlling any explosive substance with the intent to endanger life or cause serious injury to property in India and knowingly keeping and in possession and under control explosive substance namely the bomb giving rise to reasonable suspicion that it was not meant for lawful object allegedly on 27th day of October 2010 at village- Gamhariya, PS-Chakai, District-Jamui.
2. The case of prosecution in brief is that on the basis of written information of Santosh Kumar, the SHO Chakai PS, the Chakai PS Case No.- 138/2010 dated 27.10.2010 was registered u/s-4/5 Explosive Substance Act against sole accused Balmukund Pandey wherein he has stated that on

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26.10.2010 Navin Pandey informed that his sister Chandana Devi is being tortured physically and mentally and harassed by her husband Balmukund Pandey. Her life is in danger and she has been confined in the house. Balmukund Pandey is a man of criminal tendency. Accordingly Sanha was registered. For verification of Sanha, under the leadership of SHO he proceeded towards village Gamhariya along with local chaukidar Md. Ajij Miyan and 8-2 SAP force on 27.10.2010. While encircling of Balmukund's house, one person fled away. Navin Pandey told that the name of person who had fled away was his brother-in-law Balmukund Pandey. Thereafter the villager present there Navin Pandey, Pankaj Pandey, Dinesh Pandey and Dhnanjay Pandey were asked to search Police Jeep and Police Force. In the presence of wife of Balmukund Pandey raiding team started search in his house. During the search explosive substance and materials by which country made bomb is manufactured were recovered along with Bhujali and sword. The large number of materials used for making a bomb were recovered from his house. Balmukund Pandey's wife disclosed that all the recovered items belong to her husband. He makes bomb and sells to criminals. When she opposed he threatened to kill her. All recovered items were seized. Seizure list was prepared upon which witnesses had signed and a copy was given to the Balmukund's wife.

3. The IO after investigation submitted the charge sheet no. 79/2014 dated 30.12.2014 for offence u/s-4/5 Explosive Substance Act against accused Balmukund Pandey, consequent upon which cognizance vide order dated 07.01.2015 was taken for offence u/s-4/5 Explosive Substance Act, and accordingly summons were issued against accused. The record after commitment was received in the Sessions Division as S.Tr. No. 371/2022.
4. The Charges against the accused was framed on 26.07.2022 for offences u/s 4/5 Explosive Substance Act to which he pleaded not guilty and claimed to be tried. The prosecution evidence was closed on 12.05.2026 and the statement of accused was recorded u/s 313 of the Cr.P.C on 20.05.2026 wherein he denied the evidences against him and pleaded innocence. On the

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written submission of defence their evidence was closed and after hearing from the parties the record is today fixed for Judgment.

5. The points for determination before this Court is whether the prosecution has proved the charges against the accused beyond all reasonable doubts?

FINDINGS

6. The prosecution in order to substantiate, prove its case and to nail the guilt of the accused has produced PW-1 Naveen Pandey, PW-2 Dinesh Pandey, PW-3 Pankaj Pandey, PW-4 Ajeej Mian, PW-5 Dhananjay Pandey, PW-6 Kheman Yadav, PW-7 Kali Yadav and PW-8 Durgesh Ram. The signature of witness on seizure list is marked as Ext. P1/PW1, The signature of witness on seizure list is marked as Ext. P1/1/PW2, The signature of witness on seizure list is marked as Ext. P1/2/PW3, The signature of P.S.I on seizure list is marked as P1/3/PW8. The Signature of S.H.O over written information is marked as P2/PW8, The endorsement over written information is marked as P2/01/PW8. The defence on the other hand has not produced any evidence either oral or documentary in its support.

7. PW-1 Naveen Pandey has stated in his examination-in-chief that on 27.10.2010 at about 6.00 in the morning some articles were recovered form house of Balmukund Pandey. Seizure list was prepared upon which he and his sister Chandan Devi had endorsed their sign. On his identification the same was marked as Ext. P1/PW1. During cross-examination he has stated that he and Chandan Devi had signed on blank paper. No any item was seized before him. The witness identified the accused Bamukund Panday as he is his brother-in-law.

8. PW-2 Naveen Pandey has stated in his examination-in-chief that on 27.10.2010 at about 6.00 in the morning items were recovered form house of Balmukund Pandey. Seizure list was prepared upon which he had signed. On his identification the same was marked as Ext. P1/1/PW1. During cross-examination he has stated that he had signed on blank paper. No any item was

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seized before him. The witness identified the accused Balmukund Panday as he is his Fufa.

9. PW-3 Pankaj Pandey has stated in his examination-in-chief that on 27.10.2010 at about 6.00 in the morning some articles were recovered from house of Balmukund Pandey in connection with Sanha 439/2010 dated 26.10.10. There was recovered red and gerua small stones from the room which was kept in a bag and briefcase in the corner of room and also recovered ½ kg red and gerua powder of stones. Seizure list was prepared upon which he had signed. On his identification the same was marked as Ext. P1/2/PW3. The witness identified the accused present before the Court. During cross-examination he has stated that he had signed on blank paper. No any item was seized before him. During court question he has stated in para-5 that police had taken his signature on only one paper.

10. PW-4 Ajiz Miyan has stated in his examination-in-chief that the incident occurred in the year of 2010 at 2 in the noon. He went to the house of Balmukund alongwith S.H.O. There was a motorcycle recovered from his house and alongwith bag containing powder and card. He identified the accused Balmukund Pandey present before the Court. During cross-examination he has stated that he had went to Gamhariya on police vehicle. No any item was recovered from his house except Motorcycle. He has came to depose on notice. Lastly in para-5 he has stated that he identified the accused because he is the chaukidar.

11. PW-5 Dhananjay Pandey, PW-6 Kheman Yadav and PW-7 Kali Yadav they have stated in their examination-in-chief that they do not know anything about alleged incident and their statement were not recorded by the police. On the request of prosecution PW-5, PW-6 and PW-7 were declared as hostile witnesses. The witnesses identified the accused present before the Court. During cross-examination all these witnesses have stated that no any item was recovered from Balmukund in their presence. They have identified the accused as being their villager. Lastly they have also stated to have deposed voluntarily without any pressure or coercion.

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12. PW-8 Durgesh Ram who is IO of this case has stated in his examination-in-chief that he was posted as SHO at Chakai PS. On the same day he took over the charge of pending investigation of Chakai PS Case No. 138/2010 from the then SHO Arun Kumar Dwivedi and initiated the further investigation. He reviewed the earlier investigation. As per the direction of senior officer and report 2 he recorded the statement of witnesses Binod Pandit, Kheman Yadav and Kali Yadav for verification of the three seized voter id card. Thereafter he was transferred to the Khagaria district. He handed over the charge of investigation to the then SHO. The formal FIR is in pen of PS writer upon which the SHO Arun Kumar Dwivedi had signed. On his identification the same was marked as Ext. P2/PW-08. The endorsement on formal FIR is in pen and signature of Arun Kumar Dwivedi and on his identification it was marked as Ext. P2/1/PW08. The PSI Santosh Kumar had signed on seizure list. On his identification it was marked as Ext. P1/3/PW8. During cross-examination he has stated in para 6 that he was IO of this case. He had not gone to raid. The seized articles were not recovered in his presence. He can not produce seized items before the Court.
13. The accused Balmukund Pandey has completely denied the evidences against him in his statement u/s-313 of the Cr.P.C and has pleaded innocence.
14. The Court on the basis of materials available on record, finds that the accused was not arrested at the spot. No any witnesses appeared before the Court who supported the prosecution case while PW-1, PW-2 and PW-3 are seizure list witnesses. The seizure list witnesses have stated during cross-examination that police had taken their signature on blank paper hence entire seizure list is doubtful and not reliable. Even the eye-witness has not supported the case of prosecution. The witness PW-5, PW-6 and PW-7 have also not supported the case of prosecution and were declared as hostile. The prosecution has not produced the IO who had seized the such materials. The IO PW-8 is not an eye-witness of fact. There is nothing on record that proves the involvement of the accused in commission of the offences alleged in this case. The IO and the Prosecutor has not produced on record the test report of

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the seized materials alleged to be used in making bombs (explosives). In the absence of any corroboration by the prosecution witnesses regarding identity of the trial facing accused the Court does not find materials sufficient to prove the guilt of the accused in commission of the offences charged. The prosecution has not been able to prove the charge against the accused beyond all reasonable doubts. The accused is entitled to be given the benefit of doubt. He is therefore given benefit of doubt and is held not guilty of the offence charged u/s-4/5 Explosive Substance Act.

ORDER

15. The accused Balmukund Pandey son of Jaynath Pandey, resident of Gamhariya, PS- Chakai, District- Jamui is hereby acquitted of all charges u/s-4/5 Explosive Substance Act in this case. The accused Balmukund Pandey is in custody, office is directed to issue release order in his name. However in terms of Section 437(A) Cr.P.C the accused is directed to furnish personal bond in the sum of Rs. 10,000/- Pursuant to compliance of Section 437(A) Cr.P.C. the file be consigned to the Record Room.

Dictated, corrected, signed and pronounced by me in the open Court.

(Sudhir Sinha)
Distt. & Addl. Sessions Judge-II
Jamui.
22.06.2026

(Sudhir Sinha)
Distt. & Addl. Sessions Judge-II
Jamui.
22.06.2026

Date of Judgment/Order	22.06.2026
Date of Reserving/Order	08.06.2026
Uploading Date	22.06.2026
Uploaded by	Ankit Raj, Court Reader cum D.W