

(Sessions Trial No. 249 of 2026)
In the court of Sri Sanjay Kumar Sinha-II, DAJ-II, Jehanabad

District: Jehanabad

In

The Court of District & Additional Sessions Judge-II, Jehanabad

Present:-

Sanjay Kumar Sinha-II
Dist & Addl. Sessions Judge-II,
Jehanabad

Sessions Trial No- 249 of 2026

CIS Registration No- 249/2026

Jehanabad PS Case No. 1019 of 2025

Dated, Jehanabad the 23rd day of June, 2026

23.06.2026

(1) State through Manoj Kumar, S/o Jagdish Prasad, R/o vill-Lakshubigha, PS
Parasbigha, Dist Jehanabad.Prosecution



Vs

Santosh Kumar, aged about 35 years, S/o Sri Arbind Kumar, R/o Bhakhra Lodipur,
PS Ghosi, Dist. Jehanabad, present address Adarsh Nagar, West to the Court, PS +
Dist. Jehanabad

.....Accused

(This case was committed to the court of sessions vide order dated 28.04.2026 passed
by the court of Chief Judicial Magistrate, Jehanabad arising out of Jehanabad PS Case
No. 1019 of 2025, Gr. No. 473 of 2026 Cognizance under Sections 109 BNS and
Section 27 of the Arms Act.)

Charge Framed under Sections:- 109 of BNS, 2023 and Section 27 of the Arms Act.

Counsel for the Prosecution:- Sri Kamlesh Prasad,.....Ld. A.P.P.

Counsel for the Defence:- Sri Pramod Kumar,.....Ld. Adv.

J U D G M E N T

1. Sole accused namely, Santosh Kumar of this case stands charged for the offences punishable under Sections 109 of the BNS, 2023 and Section 27 of the Arms Act.

2. The prosecution case stated in brief, as per the *fardbayan* of the informant Manoj Kumar, is that on dt. 09-09-2025 at about 09:30 hours, he had gone to do work of electric wiring in the house of Ashok Kumar situated at Erki, Mansha Bigha where at about 11:00 o' clock, when he was doing the work of wiring in the Verandah of the house, in that course, the accused Santosh Kumar came there to meet the landlord of the house and at the time of his departure, the accused fired shots from his pistol causing gunshot injury to the informant who was brought in Sadar hospital, Jehanabad from where he was referred to P.M.C.H, Patna for better treatment and subsequently, he was treated in Ruban Hospital, Patna. Accordingly, the F.I.R has been registered.

23.06.2026



3. On the basis of the written report of the informant Manoj Kumar, Jehanabad PS Case No. 1019 of 2025 was registered for the offences punishable under Sections 109 BNS, 2023 and Section 27 of the Arms Act against the above named accused persons, pursuant to which, investigation commenced and after completion of investigation, the IO submitted Charge Sheet bearing No. 109 of 2026 dated 31.01.2026, for the offences punishable under Sections 109 BNS, 2023 and Section 27 of the Arms Act against the above mentioned accused to which cognizance was also taken by the Id. Court below vide order dated 23.02.2026 for the offences punishable under Sections 109 BNS, 2023 and Section 27 of the Arms Act and the case record was committed on dated 28.04.2026 to the Court of Sessions from where the case was ultimately transferred to this Court for trial and disposal.

4. On appearance of the accused-person, Charge has been framed for offences under Sections 109 BNS, 2023 and Section 27 of the Arms Act, by the Court of Sessions and the charge has been read over and explained to him in Hindi to which

he denied the allegations and claimed to be tried.

5. After closure of prosecution evidence, the statement of the accused was recorded u/S 313 CrPC to which he again denied the allegations and pleaded not guilty.

F I N D I N G S

6. In order to prove its case, the prosecution has been able to produce only five witnesses, which are as follows: PW-1 Manoj Kumar, PW-2 Jay Prakash, PW-3 Geeta Devi, PW-4 Dr. Amar Kumar, and PW-5 Pranav Kumar.

Apart from these, the prosecution has also exhibited the following documents:-



- P-1/PW-1 - Fardbeyan was recorded by Inspector, Patliputra PS is under the pen and signature of PW-1.
- P-2/PW-2 - Signature as witness of witness Jay Prakash upon the Fardbeyan recorded by Inspector, Patliputra PS.
- P-3/PW-4 - Injury report of Manoj Kumar is under the pen and signature of Dr. Amar Kumar.
- P-4/PW-5 - Charge sheet no. 103/2026 dt. 31.01.2026.
- P-5/PW-5 - Endorsement upon the FIR was under the signature of PSI Ramjit Lal.
- P-6/PW-5 - Signature of SHO Mohan Prasad upon the FIR.

7. PW-1 is Manoj Kumar. This witness has supported the case of the prosecution and stated in his examination-in-chief that "मैंने यह मुकदमा संतोष कुमार पर किया है। घटना आज से करीब 8-9 महिना पहले का है। समय दिन के करीब 10 बजे का था। उस समय में रेल लाईन शेखपुरा मनसा बिगहा अशोक कुमार के यहाँ काम करने गये थे। इलेक्ट्रिक वायरिंग का काम करने गये थे। साढ़े 10 बजे के लगभग मुझपर गोली चला दिया गया था, गोली मुझे छाती पर लगी थी। मुझे सदर अस्पताल जहानाबाद में ईलाज कराने के लिए ले गये थे, उसके बाद

मुझे पीएमसीएच पटना रेफर किया गया, जहाँ रूबल मेमोरियल हॉस्पिटल, पाटलिपुत्रा में मेरा ईलाज हुआ था।(para 1) "पाटलिपुत्रा के दारोगा जी ने फर्दबयान लिखा, जिसपर मेरा हस्ताक्षर है, जिसे मैं पहचानता हूँ। जिसे प्रदर्श P1/PW 1 अंकित किया जाता है।(para 2) "डॉक में खड़ा मुदालय को मैं पहचानता हूँ।(para 3)".

During the course of cross-examination, this witness has taken hostile attitude and has demolished the prosecution version of the story and has stated that "मुझे गोली किसने मारा, मुझे आज तक इस बात का पता नहीं चला।(para 4)". This witness has further stated vide para 5 that "संतोष कुमार को इसलिए मुदालय बना दिया क्योंकि उसने ही वायरिंग का काम अशोक कुमार के यहाँ धराया था।(para 5)". Further, this witness has stated vide para 9 and 10 that "घटना के सात दिन बाद फर्दबयान हुआ था। दारोगा जी, जो फर्दबयान लिखे थे, वह मुझे नहीं सुनाये थे।(para 9)". Further, this witness has stated vide para 10 that the case has been compromised amicably with the accused "संतोष कुमार को निर्दोष पाकर मैं राजी-खुशी से सुलह कर लिया। आगे मुकदमा लड़ना नहीं चाहता हूँ।".

8. PW-2 is Jay Prakash. This witness has roughly supported the case of the prosecution and has stated in his examination-in-chief that "घटना आज से करीब 8-9 महिना पहले का है, समय दिन के करीब 10-11 बजे का था। उस समय मैं घर पर था, तो सदर अस्पताल, जहानाबाद से फोन आया कि तुम्हारे पिताजी मनोज कुमार को गोली लग गया है, तो सूचना मिलने पर मैं तथा मेरी माँ सदर अस्पताल जहानाबाद पहुँचे, वहाँ मेरे पिता बोलने के स्थिति में नहीं थे, तो पटना पीएमसीएच में रेफर कर दिया गया, लेकिन वहाँ नहीं जा कर के रूबल मेमोरियल अस्पताल, पाटलिपुत्रा में भर्ती कराया गया।(para 1) "पिताजी ने बताया कि संतोष कुमार ने वायरिंग का काम धरवाया था, इसलिए उसका नाम इस केस में दिया गया।(para 2) "पाटलिपुत्रा थाना के पुलिस पदाधिकारी के समक्ष पिताजी के द्वारा फर्दबयान दिया गया था, जिसपर गवाह के रूप में मेरा भी हस्ताक्षर है, जिसे मैं पहचानता हूँ। जिसे प्रदर्श P2/PW 2 अंकित किया जाता है।(para 3)". Further, this witness has stated vide para 4 that he did not identify the accused "डॉक में खड़ा मुदालय संतोष कुमार को मैं नहीं पहचानता हूँ।(para 4)".

During the course of cross-examination, this witness has demolished the prosecution version of the story and ultimately taken hostile attitude and has stated that "रूबल हॉस्पिटल में मेरे पिताजी द्वारा जो फर्दबयान दिया गया था, उसे मुझे पढ़कर नहीं सुनाया गया था।(para 5)". This witness has further stated vide para 6 that "मुझे आज तक इस बात की जानकारी नहीं हुई कि मेरे पिताजी को किसने गोली मारा था।(para 6)" vide para 7 this witness has further stated that "मेरे पिताजी ने भी आज तक यह बात नहीं बता पाए, कि उन्हें किसने गोली मारा था।(para 7)". Further, this witness has admitted that he did not



seen the occurrence and has stated that घटना को मैंने अपनी आँखों से नहीं देखा है।(para 8)".

9. PW-3 is Geeta Devi who is the wife of the victim. This witness has not supported the case of the prosecution and has stated in his examination-in-chief that "घटना आज से करीब 5-6 महीना पहले का है, समय करीब दिन का था। मेरे पति मिस्त्री का काम करते हैं। मेरे पति को सीना में गोली लगा था। गोली किसने चलायो, मैं नहीं जानती हूँ। मेरे पति का इलाज सदर अस्पताल जहानाबाद में हुआ था, उसके बाद उन्हें पटना पीएमसीएच रेफर कर दिया गया था लेकिन वहाँ नहीं जा कर के रुबल मेमोरियल अस्पताल, पाटलिपुत्रा में भर्ती कराया गया। मेरे पति का इलाज करीब 3-4 महीना तक चला था।(para 1)". Further, this witness has stated vide para 2 that he did not identify the accused and has stated that "जिसने मेरे पति को गोली मारा, उसे मैं नहीं पहचानती हूँ। अभी तक इस बात की मुझे नहीं पता चला कि मेरे पति को किसने गोली मारा है।(para 2)".

Ultimately, this witness has been declared hostile by the prosecution. Further, this witness has denied the prosecution suggestion and has stated that vide para 3 and 4 that "ऐसी बात नहीं है कि मैं पुलिस के समक्ष बताई थी कि सदर अस्पताल जहानाबाद पहुँची एवं अपने पति से घटना के संबंध में पूछताछ करने पर पति मनोज कुमार के द्वारा बताया गया कि संतोष कुमार के द्वारा उनपर गोली चलाया गया था।(para 5)" "ऐसी बात नहीं है कि मैं मुदालय के मेल में आकर अभियुक्त को पहचानने से इंकार की हूँ।(para 4)".

During the course of cross-examination, this witness has given introductory statements

10. PW-4 is Dr. Amar Kumar, who is the medical officer of this case. This witness has stated in his examination-in-chief that he was posted as medical officer, ASJP Sadar Hospital, Jehanabad and examined the victim Manoj Kumar, age about 35 years, S/o Jagdish Prasad and found the following injury.

A linear entry wound measuring 3.5 X 2.5 cm with skin deep with underlying bone seen present just below sternum. Fresh blood coming out from the wound with associated charring of the skin along with blackening of the skin around the wound.

No exit wound seen.

X-ray chest show a bullet in abdomen cavity so, patient referred to PMCH, Patna. But patient submitted report from Ruban Memorial,

In the court of Sri Sanjay Kumar Sinha-II, DAJ-II, Jehanabad
Hospital, Patna

Which shows abdomen was opened and vascular injury noted on lower polar vessels of spleen. Bullet retrieved from peri splenic region and handed over to concerned person.

M/I – A mole on right eye.

T/I – within 3 hours.

Colour of injury – Reddish in colour.

C/I – Gun shot injury.

N/I – Greivous in nature.

This witness has further stated that the injury report was written by him and also bear his signature which is also identified by him and marked as **Ext. P-3/PW-4**

During the course of cross-examination, this witness has been more or less intact.

11. **PW-5** is Pranav Kumar who happens to be the IO of this case. This witness has supported that the case of the prosecution and has stated in his examination-in-chief that on dt. 30.09.2025, he was posted at the Jehanabad Town Police Station, in the mean while, a case was registered at Jehanabad Town Police Station bearing FIR No. 1019/2025, dated 30.09.2025, under sections 109 of the IPC and 27 of the Arms Act, then he assumed responsibility for the investigation. After assuming charge for the investigation, he observed the informant statements and then left the police station and proceeded to investigate the case. Thereafter, on dt. 09.09.2025, information was received that a man had been shot in Mansabigha village and was being treated at the Sadar Hospital, Jehanabad. Then, he reached the Sadar Hospital, Jehanabad and attempted to obtain a statement from the injured. However, the injured, Manoj Kumar, son of Jagdish Prasad, village Lakshubigha, Police Station Parsabigha, District Jehanabad, was in no condition to give statement. The injured man was referred to Patna for better treatment. This witness has further stated that the incident took place at the house of Ashok Kumar, located in Mansabigha Mohalla, about 1 km southwest of Jehanabad Police Station, under the Nagar Thana area, where Santosh Kumar, son of Arvind Kumar, resident of Jehanabad Court, Adarsh Nagar Police Station and District Jehanabad, is said to have shot and injured the informant. Further, this witness has stated vide para 3 that the boundaries of the



In the court of Sri Sanjay Kumar Sinha-II, DAJ-II, Jehanabad

27.06.2024



Page 7 of 8

8. Thus, it appears crystal clear that none of the independent witnesses has supported the case of the prosecution and only on the base of the evidence of IO and doctor no order of conviction can be passed. Hence, considering the facts and circumstances and in view of the discussions made above this court has come to the findings and hold that prosecution has failed to substantiate the charges levelled against the accused namely, Santosh Kumar beyond reasonable doubts. Hence, accused namely, Santosh Kumar is hereby found not guilty for the the offences punishable under Sections 109 of BNS, 2023 and Section 27 of the Arms Act. In the result, accused, namely, Santosh Kumar is hereby **acquitted** forthwith from the charges levelled against him and set at liberty thereof. The accused Santosh Kumar is in judicial custody. O/c is directed to issue release order.

(Dictated & Corrected)

Sf. Kumar SL

Addl. Sessions Judge-II
Jehanabad
23.06.2026

(Dictated)

Sf. Kumar SL

Addl. Sessions Judge-II
Jehanabad
23.06.2026

