

(Sessions Trial No. 672 of 2022)
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- 672 of 2022
CIS Registration No- 672 of 2022
Parasbigha PS Case No. 161 of 2022

Jehanabad, dated the 29th day of June, 2026

(1) State through Sikandar Kumar, aged about 26 years, S/o Late Jagdeo Prasad, R/o Vill-
Misrabigha, PS Parasbigha, Dist Jehanabad**Prosecution**

Vs

(1) Nawab Kumar @ Nawab Kumar Yadav, aged about 30 years, S/o Vineshwar Yadav, R/o
Vill Misrabigha, PS Parasbigha, Dist Jehanabad.

(2) Satish Kumar @ Chhabila, aged about 30 years, S/o Lali Yadav, R/o Vill. Kanika bigha, PS
Kako (bhelawar OP), Distt, Jehanabad.

.....**Accused Persons**

(This case was committed to the court of sessions vide order dated 22.10.2022 passed by the
court of Miss Richa Kashyap, JM First Class, Jehanabad arising out of Parasbigha PS Case
No. 161 of 2022, Gr. No. 293 of 2022; Cognizance under Sections 302, 120B/34 of the IPC
and Section 27 of the Arms Act)

Charge framed under Sections:- 302, 120B/34 of the IPC and Section 27 of the Arms Act.

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

Counsel for the Defence:- Deen Narayan Kumar,...Ld. Adv

J U D G M E N T

1. The accused persons namely, Nawab Kumar @ Nawab Kumar Yadav and Satish Kumar @ Chhabila of this case stand charged for the offences punishable under Sections 302, 120B/34 of the IPC and Section 27 of the Arms Act.
2. The brief case of the prosecution as per the *fardbeyan* of the informant Sikandar Kumar is that on 09.07.2022 at about 09:00 hours the informant along with his father was going to Tehta Maveshi Haat, but in the mean time all of sudden three accused persons namely, Satish Kumar, Randhir Kumar and Madhir Kumar surrounded his father and pointed pistol upon him and at that time he was 50 meter away from his father. Thereafter, when the informant reached to her father while raising hulla, then accused persons fire on his father one by one and as a result of of which his father fell down on the ground and after some time his father died. Accordingly, the FIR has been registered.
3. On the basis of the written report of the informant Sikandar Kumar, Parasbigha PS Case No. 161 of 2022 was registered for the offences punishable under Sections 302, 120B/34 of the IPC and Section 27 of the Arms Act against the accused persons namely, Satish Kumar, Randhir Kumar @ Jahanu, Madhir Kumar @ Malaha, pursuant to which, investigation commenced and after completion of investigation, the IO submitted Charge Sheet bearing No. 40 of 2023 dated 31.03.2023, for the offences punishable under Sections 302, 120B/34 of the IPC and Section 27 of the Arms Act against the accused persons, namely Satish Kumar @ Chhabila, Randhir Kumar @ Jahanu, Madhir Kumar @ Malaha, Nawab Kumar and Sudama Kumar @ Chhotu to which cognizance was also taken by the Id. Court below vide order dated 15.10.2022 for the offences punishable under Sections 302, 120B/34 of the IPC and Section 27 of the Arms Act and the case record was committed on dated 22.10.2022 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 302, 120B/34 of the IPC 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 they denied the allegations and claimed to be tried.
5. After closure of prosecution evidence, the statement of the accused persons was

(Sessions Trial No. 672 of 2022)
In the court of Sri Sanjay Kumar Sinha-II, DAJ-II, Jehanabad
recorded u/S 313 CrPC to which they 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 three witnesses and who are the official witnesses inspite of issuance of all the processes like summon, bailable warrants, non bailable warrants including the D.O letters to the S.P. Jehanabad.

7. PW-1 is Girish Kumar Mandal who happens to be the IO of this case. This witness has stated in his examination-in-chief that on dt. 09.07.2022 he was posted as Sub-Inspector in Parasbigha Police Station and at that time he was at the police station, then someone informed him that a man lying injured near Ram Lakhan College, Nauru Gumti. Upon receiving this information, he reached at the place of occurrence at 09:21 hours and found a man lying injured on the road. The injured man's son Sikandar Kumar was crying and saying, "my father was shot by villager Satish Kumar, Madhir Kumar and Randhir and they also took away fifty thousand rupees." Thereafter, the police took the injured persons to the Jehanabad Sadar Hospital, along with Sikandar Kumar where the doctor declared the injured person dead. The injured person had two bullet marks on his body. Thereafter, a death review report was prepared by the police station in-charge, after which the postmortem was conducted. Thereafter, the station in-charge also inspected the place of occurrence where a .315 bohr riffle bullet was recovered from the spot and its seizure was made. The seizure list bears his signature, which he has recognized and which has also marked as exhibit P-1/PW-1.

During the course of his cross-examination, this witness has taken hostile attitude and has demolished the prosecution version of the story

8. PW-2 is Ramdahin Yadav, who is also an official witness. This witness has stated in his examination-in-chief that on dt. 09.07.2022, he was posted as Chowkidar in Parasbigha police station. Then the senior police officer said that a murder had taken place come with me. Thereafter, he went to Sadar Hospital, Jehanabad. When he reached at the Sadar Hospital he saw a man named Jagdeo Prasad of Mishrabigha lying dead. He had been shot and senior officers prepared death review report of the

(Sessions Trial No. 672 of 2022)

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

deceased and sent the body of the deceased for postmortem. Thereafter, this witness has said that prior to this incident, Jagdev Prasad and Lali Singh had a land dispute leading to a fight and murder. A suit was also filed at that time, but at that time a another man who is the gotiya of the deceased Jagdev Prasad was murdered. The informant-cum-son of the deceased had told him that Chhabila, Lali and others had committed the murder of his father. A bullet was also recovered from the place of occurrence. Statement of this witness has also recorded by the police.

During the course of his cross-examination, this witness has taken hostile attitude and has demolished the prosecution version of the story.

9. PW-3 is Dr. Aftab Alam, who is the doctor of this case. This witness has conducted the postmortem of the body of the deceased Jagdev Prasad. This witness has stated in his examination-in-chief that he was posted as Medical Officer, Sadar Hospital, Jehanabad and on that day, at about 02:10 PM, he had conducted the postmortem of the body of the deceased Jagdev Prasad, brought by and identified by Chaukidar 6/4 Ramdahin Yadav and found the following:-

On External Examination:-

- Rigor mortis present.
- Eyes and mouth closed.
- Gun shot description:-

(I) Entry wound and left side of chest above and lateral to the nipple, exit wound at upper chest middle at scalpula.

(II) Tangential cut wound at upper shoulder left side.

(III) Entry wound left side at interior superior iliac spine, exit wound at right to the scortum.

Internal Findings:-

- Heart – Minimal amount of blood present in all four chambers.
- Lung, Liver, Spleen and Kidney – all red in colour.
- Stomach – partially digested food in a small amount.

Time since death – within 12 hours.

Cause of death – Hypovolemic shock with excessive bleeding due to multiple gun shot injury.

Further, this witness has stated the postmortem report was under his pen and signature which has been marked as exhibit P-2/PW-3

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

intact.

10. Considering the fact that the IO as well as Chaukidar has taken hostile attitude during the course of their cross-examination as also considering the fact that prosecution has failed to adduce evidence of the informant or any independent witness in this case, this court has come to the findings and hold that prosecution has failed to substantiate the charges levelled against the accused persons namely, Nawab Kumar @ Nawab Kumar Yadav and Satish Kumar @ Chhabila beyond reasonable doubts. Hence, accused-persons namely, Nawab Kumar @ Nawab Kumar Yadav and Satish Kumar @ Chhabila are hereby found not guilty for the the offenses punishable under Sections 302, 120B/34 of the IPC and Section 27 of the Arms Act. In the result, accused persons namely, Nawab Kumar @ Nawab Kumar Yadav and Satish Kumar @ Chhabila are hereby **acquitted** forthwith from the charges levelled against him and set at liberty thereof. However, accused Nawab Kumar @ Nawab Kumar Yadav is discharged from the liabilities of his bail bonds and accused Satish Kumar @ Chhabila Yadav is in custody. Thereafter O/c is directed to issue release order.

(Dictated & Corrected)

(Dictated)

Addl. Sessions Judge-II
Jehanabad
29.06.2026

Addl. Sessions Judge-II
Jehanabad
29.06.2026